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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	955	Press
~~B.P. No.~~		~~Mis.~~
Dated	31st July	196/87

Not to be folded or roughly handled

Read the following :—

No. 267. Proceedings of the Board of Revenue, dated 5th July 1873, No. 1,198.

Read the following letters :—

From G. VANSAGNEW, Esq., Collector of Nellore, to J. GLOSE, Esq., Secretary to the Board of Revenue, dated 26th April 1873, No. 784.

I HAVE the honor to enclose a statement, showing lands taken up from the villages of the Calastry Zemindar from time to time for public purposes.

2. In May 1869, Mr. Dykes wrote a letter to the Zemindar, requesting his opinion as to certain roads which he proposed to form through his villages. The Zemindar, in reply, stated that no compensation had been given for lands previously taken up, and requested payment for such lands. Thereupon Mr. Melville wrote in November 1869, requesting the Zemindar to submit detailed accounts of his lands, which he accordingly submitted in November 1870.

3. Abstracts were prepared from the accounts thus submitted, and sent out to the several Tahsildars, with instructions to verify the measurements in the presence of the Zemindar's officials. The statement thus prepared having been signed by the taluq and Rajah's officials, I have taken the same as the basis in preparing the return now submitted herewith.

4. The Board will observe that the lands were taken up in 1858, 1863, and 1870. As the Zemindar submitted the accounts in 1870, the claim is not barred by the law of limitation as laid down in Act XIV. of 1859.

5. The details of the lands are as follow :—

	Acres.	Assessment Rs.	A.	P.
Immemorial waste	46·61	41	3	5
Porambokc	13·39	11	2	8
Cultivated lands	122·30	141	3	4
Total . .	182·30	193	9	5

6. The second item, "Porambokc," is, I fancy, lands set apart for public purposes. As this item is not a source of revenue to the Zemindar, I do not think he has any claim in respect to it; I would, therefore, exclude it, deducting the same accordingly. The difference is Rs. 182-6-9, which I beg to recommend may be deducted from the peishcush paid by the Zemindar in the district of North Arcot from the current fasli 1283. I beg also to recommend Rupees 364-13-6 to be paid to the Zemindar on account of fasli 1280 and fasli 1281, as the accounts were furnished in fasli 1280, and a further sum of Rupees 7-8-0 on account of thirteen trees taken up in the Udayagiri Taluq.

7. The Zemindar claims, in addition to the permanent deduction, a lump payment at twenty years' purchase. This claim is, in my opinion, inadmissible.

8. The present proposal is, in short, a permanent remission of Rupees 182-6-9 from fasli 1282, and payment of Rupees 372-1-6.

Enclosure No. 1.—Statement.

From the same officer, dated Nellore, 17th April 1873, No. 879.

With reference to the Board's Proceedings, Miscellaneous No. 1,735, dated 7th March 1873, communicating the order of Government, dated 4th idem, No. 377, I have the honor to submit the following report on the claims of the Rajah of Venkatagiri for compensation on account of lands taken up for public purposes from time to time.

2. The Rajah sent in the accounts of his taluks his southern taluqs with letter, dated 22nd September 1868, No. 16, while the accounts of the northern taluqs were received with his letter dated 2nd September 1869, No. 7. As the statements sent in by the Rajah included lands taken

up so far back as 1813, it was impossible for the Department Public Works to afford any aid in certifying to the correctness of the area or the time of appropriation. The verification of the details was, therefore, entrusted to the Tahsildars and Deputy-Tahsildars concerned, who conducted the measurements in the presence of the Rajah's officials; and the detailed statements thus prepared, which form the basis of this report, are signed by the Revenue and Rajah's officials.

3. The following items included by the Rajah in his accounts have been excluded :—

1. Lands taken up for the Cheruvu channel.
2. " " for the Nandigâma road.
3. " " the extension of the East-Coast Canal.
4. " " in the village of Swarna, in the district of Kistna.

The first, second, and third, form the subject of a separate report submitted this day, as in these cases the lands were taken up but a few years ago, and the details were verified by the Department Public Works after special inquiry. The fourth item does not relate to this district, and does not, therefore, require any notice here.

4. The Rajah's claim, exclusive of the four items above referred to, consists of a permanent deduction of Rs. 4,009-7-3 from the purchase and of a lump payment, once for all, of Rupees 4,743 at Rupees 8 per acre, as detailed below :—

	Acres.	Rs.	A.	P.
Lands actually taken up, on which permanent remission equal to the full tarram assessment thereon is claimed.	1,130·41	2,967	2	2
Irrigable lands, the supply of which being intercepted, permanent remission equal to the difference between the wet and dry assessment is claimed	190·35	1,042	5	1
Total permanent Remission	1,320·76	4,009	7	3
Total of lands on which lump payment at Rupees 8 per acre is claimed	599·63	4,743	0	0

5. In paragraph 3 of the Proceedings quoted in the G. O. under reference, the Board rejected all claims in respect of lands taken up prior to the passing of Act XX. of 1852, and, in paragraph 8 of the same Proceedings, directed to ascertain how much of the subsequent claims is barred by the law of limitation. I beg to enclose three statements, marked A, B, and C, showing the details of the lands within the time-bands specified in paragraph 4. In these statements, I have extracted the total extent of the claim, the deduction to be made of claims prior to 1838, and the further deductions to be made by the application of the law of limitation, as contained in Act XIV. of 1859.

6. Before proceeding to discuss the statements I beg to explain the principles upon which the calculations are made for the Board's information.

7. With the letter, dated 30th September 1870, No. 2,553, Mr. Master submitted an abstract, marked T, giving an abstract of the letters written by the Rajah, claiming compensation from time to time. The Board will observe that in this list there are only two letters which relate to the Mandalamma tank, which may be taken to be part of what is entered in the accompanying statements as the "lands taken up."

In other words, we have the Rajah's representations only as regards two petty items out of several for which compensation is claimed, and even these representations are so vague that it is impossible to identify them distinctly in the absence of the entire correspondence which took place at the time. To calculate the period of limitation, it is essential to know when the claim was laid. But as there is no chance of ascertaining this information correctly, I have taken the letter of the Rajah in 1868 and 1869, when he forwarded definite accounts and proposals for the time when the claims were laid for the purposes of the calculations of the limitation period.

8. The item "Irrigable lands" is common to both the statements taken and the northern taluq. As it would be troublesome to analyze the same to see for how much of it 1868 and for how much

1869 would apply, I have adopted 1868 for the whole of this item, giving thereby the benefit of the doubt to the Rajah.

9. Mr. Norton refers to the period of limitation as six or twelve years. I have assumed it at twelve years, as the Board have referred to the same as the limitation period.

10. The period of twelve years has to be calculated from the date on which the cause of action arose, that is, when the lands are taken up. But, as the exact dates are not known, I have taken the year following that in which the land is returned as taken up as the first year for calculating the period, giving the benefit of this doubt likewise to the Rajah.

11. STATEMENT A.—I shall now discuss the three statements separately. The following is an abstract of Statement A.

	Acres.	Rs.	A.	P.
Total extent of the claim	1,130·41	2,967	2	2
Deduct lands taken up prior to 1852	67·36	349	4	11
N.B.—In this case, the lands excluded relate to only one year, *viz.*, 1845.				
Remainder ...	1,063·05	2,617	13	3
Deduct lands barred by the limitation of twelve years.	813·12	1,694	1	3
N.B.—In this case, the lands excluded appertain to three years, *viz.*, 1853, 1854, and 1855.				
Remainder ...	249·93	923	12	0

The Board will observe that there are two doubtful items specified in the statement, *viz.*, first, an item for which it is not possible to ascertain the year in which the lands were taken up; second, an item in which the year of appropriation is not definitely known, the time being given as between two periods. The Board will observe that the item for which the year is not known consists of only 3·09 acres, assessed at Rupees 5-4-2. When the year is not known at all, it is probable that it was taken up so long ago that the claim is barred. But, as the amount is very small in this case, I do not propose to omit it, but to give the benefit of the doubt to the Rajah. But I have shown it separately to enable the Board to exclude it, if they think it worthwhile. The item for which the years are not definitely known consists of 0·54 acres, assessed at Rupees 1-8-7-5. This item is entered as appertaining to the following periods :—

1853 to 1857.
1854 to 1863.

If the lands were taken in 1853 or 1854, the claim is barred; but if it is admissible if it relates to 1857 or 1863. As this is a matter of doubt, the benefit thereof may be given to the Rajah. I have shown this item also separately to enable the Board to exclude it if they think proper.

12. STATEMENT B.—In the Statement B the Board will observe that all the lands therein entered were taken up since 1852, and the deduction to be made consists only of the exclusion on account of the limitation period of twelve years. The years thus excluded are 1853 and 1854 as detailed in the statement, and the permanent remission on this account is Rupees 3,481-2-5 as detailed below :—

	Acres.	Rs.	A.	P.
Total claim	190·35	1,042	5	1
Deduction	143·16	698	8	10
Remainder ...	46·19	343	12	3

13. STATEMENT C.—The lands entered in this statement do not come in the two statements already referred to. The following is an abstract :—

	Acres.
Total extent of the claim	593·63
Deduct lands taken up prior to 1838	117·00
Remainder ...	476·63

Deduct lands barred by the Limitation of twelve years			72·59
N.B.—In this case, they relate to three years, *viz.*, 1853, 1854, and 1855.			
Remainder ...			403·63
Deduct cases for which year is not known ...			378·80
Remainder ...			24·84

(1.) The cases in which the year is not known being several, I have excluded the item altogether. The Board will observe from the statement that there are 1822 acres, for which the years are not definitely known, which are in the case of Statement A, I have included and shown separately.

(2.) The Rajah claimed payment at Rupees 8 per acre. Mr. Master thought one or half rupee per acre would be sufficient. As the extent is only about 25 acres, it is hardly worth disputing about.

14. The net result is as follows:—

	Permanent Remission.			Lump Payment.		
	Rs.	A.	P.	Rs.	A.	P.
As claimed by the Rajah ...	1,093	7	8	4,743	0	0
As above shown ...	1,372	8	8	199	0	0
Decrease ...	278	15	0	4,544	0	0

15. In paragraph 3 of the Proceedings quoted in the G. O. under reference, the Board call for a statement showing the dates on which the estimates for the several roads, etc., were sanctioned, and the dates when the construction thereof was commenced. I beg to enclose a statement, prepared from the old progress reports and letters, so far as the information was available. This statement, which has caused much trouble, does not appear to me of any use as it stands. The statement, which has caused much trouble, does not appear to me of any use as it stands. The statement under consideration. I beg, however, to submit it, as the Board have called for it.

16. The Government, in their order under reference, observe that no claim should be admitted which are not sustainable in law. This means that we should allow to the Rajah only so much as he could obtain by a law suit. The Rajah has filed no suit, nor do I believe he would think of resorting to one; but the question how much of his claim he could obtain in law would depend on the date on which such suit might be filed. If it could have been filed in 1870, the Rajah could have recovered claims from 1859 and 1860 to 1871, only from 1861; so that the longer the delay of a suit, delayed the larger the proportion of claim barred by limitation. In fact, I should not suppose the Board and the Government desire the adoption of such a course. In my humble opinion, all we can suppose is that they desire to dispose of themselves, always as they may be able to do so to the satisfaction of the claimants, enter into litigation with the Rajah, should the Rajah unduly refuse to accept what we consider to be fair and reasonable.

17. The results above are obtained, stated briefly, on Act XIV of 1859, which has been repealed by Act IX of 1871, which came into force on 1st July 1871. From Sections 2, 3 and 4 of this Act, the Board will observe that the limitation provided for in it applies to all suits instituted since 1st April 1859; and the period of limitation in case from the date on which the cause of action arises. As it is clear, I presume, that no claim can have arisen later than 1st April 1859, however old its origin may be, and that no claim can have arisen earlier than 1st April 1847, however recent its origin may be, it would appear to me that the Rajah's claims, which have been barred since 1st April 1859, cannot be revived by the Act of 1871, which came into force on 1st July 1871. The spirit of the Act of 1871 is to limit the time in which suits may be instituted, and not to revive claims which are barred when the Act came into force. I do not think that the Act of 1871 can be construed

provided for payment of compensation to the Inamdars at Rupees 30 per acre, as requested by them, as the value of the land, and for a remission from the Rajah's peishcush equal to its assessment.

7. The delay in submitting these claims is owing to the difficulty experienced in obtaining correct return of the area taken up and the time when taken up. The Tahsildar prepared a return first. Both Department of Public Works and the Rajah disputed the correctness of the Tahsildar's return, and the returns furnished by the Rajah and the Department of Public Works did not tally. After a great deal of correspondence, I ordered the measurements to be made by the Tahsildar in presence of the Department of Public Works officers and the Rajah's officials, and the statements prepared in this manner having been signed by the these officials, I have taken the same as the basis in setting the claims as above shown.

8. I have received Rupees 2,000 from the Department of Public Works for payment of compensation on account of lands taken up for the Chennur channel and Venkatagiri road at Rupees 1,000 for each. The amount to be paid to ryots as the value of land and trees in these two cases is only Rupees 218-12-11.* Deducting the same from the Rupees 2,000, there is a balance of Rupees 1,781. But the sum payable to the Rajah as above shown is Rupees 1,836-10-0† on account of these two works.

	Rs.	A.	P.
*Chennur	192	0	0
Venkatagiri	26	12	11
	218	12	11

	Rs.	A.	P.
†Chennur	1,199	13	8
Venkatagiri	636	13	4
	1,836	10	0

9. The amount remitted by the Department of Public Works seems to be the sum provided for in the estimate for meeting claims for compensation. It does not appear that any such provision was made in the estimate for the East Coast Canal.

10. The sum of Rupees 2,000 received from the Department of Public Works has not been paid, pending the settlement of these claims and the sanction of Government.

11. I understand, that the Rajah has other large claims against the Chennur channel. Its construction has brought his villages without the sanction of Government, and without any provision having been made for dressing it. The consequence is much loss and inconvenience, which will have to be obviated at a considerable addition to the original cost of the project. It would take a large sum to compensate for the actual loss incurred by the inconsiderate manner in which the project has been carried out. The Rajah has likely pressed the subject on me, and I am in communication with the District Engineer on the subject. Two years ago I was furnished estimates for the necessary works by the then Engineer, Colonel [illegible].

Enclosures.—Nos. 1 and 2.—Statements.

Proceedings.—Nos. 1 and 2.—Statements.

Read papers connected with claims of the Zemindars of Calastry and Venkatagiri to compensation for lands taken up for roads and channels.

2. In accordance with the principles laid down in G. O., dated 4th March 1872, No. 377, the Collector submits a report, in each case duly attested within twelve years before the Zemindar made their claims, in addition to the Inquiry.

3. In the case of Calastry this compensation is for land taken up in 1858, 1865, and 1870, the Zemindar having submitted claims in 1873.

4. The claims are as follows:—

	Rs.	A.	P.
Inamdar's claim, assessed at	*29	7	11
[illegible]	11	2	8
[illegible]	30	12	0
[illegible]	12	8	0
[illegible]	56	14	3

*Assessment of the lands in question.

5. The manner in which the assessment was calculated is not stated, but the Board have no doubt that in the case of cultivated lands it was based on collections, and in the case of waste on the assessment of similar adjoining lands.

6. For the immemorial waste and cultivated land the Zemindar will be amply compensated by a reduction in his peishcush and a payment for loss of assessment up to date on occupied land only.

7. For the Pareumbokes from which no revenue could be expected, the Collector rightly proposes that no compensation should be paid.

8. On account of loss of assessment since the land has been taken by Government, the Collector recommends that Rupees 364-15-6, or two years' assessment on waste and cultivated lands, should be granted. The two years taken are fasles 1280 and 1281, as the accounts were furnished in fasli 1289. The Board think, on the one hand, that nothing should be granted on account of loss of assessment on immemorial waste; and, on the other hand, that the assessment lost on cultivated lands should be paid from the date when they were taken, not from the date when the accounts were submitted, and that interest, at 6 per cent., should be allowed up to the present year, viz, 1873.

9. The assessment of the cultivated lands taken up in each year was as follows:—

	Rs.	A.	P.
1858	14	14	7
1865	85	3	4
1870	41	1	5

10. The calculation will then run thus—

							Rs.	A.	P.
14	14	7	× 15 +	Interest,	at 6 per cent.	for fifteen years =	337	1	6
85	3	4	× 5 +	„	at 6 „	for five „ =	351	9	2
41	1	5	× 3 +	„	at 6 „	for three „ =	130	10	3
						Total . .	819	5	5

11. Another item of Rupees 7-3-6 for trees is suggested, and the Board would accept the Collector's opinion on this point.

12. The Zemindar claims a lump payment of twenty years' purchase for the proprietary right, but this must be disallowed in accordance with the precedent which closed with G. O., dated 5th August 1863, No. 884.

13. The Board accordingly proposes that the peishcush of the Calastry Zemindar should be reduced by Rupees 138 from this fasli, and that he should have a lump payment of Rupees 827. The greater part of this payment is on account of a remission from the Road Fund, and should, therefore, the Board think, be paid from the Local Fund.

14. With regard to the Venkatagiri claims two matters are submitted: the first relating to land taken up for roads and channels many years ago. The second land taken up for the Chennur channel, the East Coast Canal, and the Venkatagiri road, which fall under a different category.

15. The Zemindar submitted the accounts for the older works in 1868 and 1869. His claims have his peishcush reduced by Rupees 6,729, a payment made of Rupees 4,729.

16. The Collector's interpretation of the present Government with regard to the application of the Limitation Act to these claims, set forth in paragraphs 7 to 10, is correct. In paragraphs 16 and 17 he misconstrues the new Limitation Act, which, as will see, it by reads Article 145 of Schedule 2, leaves the law as it stood under Act XIV. of 1859 so far as regards suits for an interest in immovable property.

17. Statement A shows the land now held by the ryots at a rent equal to the full value assessment is claimed. It is not stated whether the value of this land was cultivated; and the matter is unimportant if no claim is made for loss of assessment in past years. The Board agree with the Collector that a permanent remission of Rupees [illegible] should be granted on this account.

18. Statement B shows the land for which the difference between wet and dry rates is claimed, because the irrigation has been interrupted. The Board agree with the Collector that a permanent remission of Rupees [illegible] should be granted on account.

19. Statement C shows land on which the Zemindar claims a lump payment. The Board concur in the Collector's calculation that only 25 acres out of 476 fall within the twelve years' limit, but they doubt whether any compensation at all should be paid on this account. From the nature of the statement as well as from paragraphs 5 and 6 of Mr. Boswell's letter of the 30th October 1868 (Board's Proceedings, 8th September 1869 No. 6,795), it would appear that these lands are Poramboke. If so, the Zemindar has lost no revenue by their being occupied by Government, and he has been benefited so much by the roads, for which 20 out of the 25 acres appertain, that, as in the case of Cadastry, the Board think no compensation should be granted on this account. For the 5 acres taken up for Cattle Pounds, Police Stations, and Store yards, Rupees 40 (at Rupees 8 an acre) as demanded by the Zemindar may be paid.

20. The Board are surprised that no claim has been made on account of loss of assessment on cultivated land.

21. The second letter refers to the Chennur channel, the East-Coast Canal, and the Venkatagiri canal, and the land may, as the Collector explains, be assumed to have been all taken in 1868.

22. Statement B contains the Venkatagiri road claims. It is not stated whether all the land involved was cultivated or not. If it was not, the assessment on the uncultivated portion need not be given for past faslis, though the permanent reduction of peishcush made in 1873, once for all, must include the whole. The Collector will report on this point, and in the meantime the Board will assume that the land was all cultivated.

23. For the Chennur channel, land assessed at Rupees 245 was taken up, and irrigation was interrupted so as to cause a loss of Rupees 61. The reduction of peishcush will, therefore, be Rupees 295, and the payment for five years from 1868 to 1873 will be Rupees 1,481.

24. For the East-Coast Canal, land assessed at Rupees 237 was taken up, so that the reduction of peishcush should be Rupees 287, and the payment to the Zemindar for five years Rupees 1,436.

25. The Board would also give Rupees 1045 to Irandalam dispossessed of land. The Collector has valued it at Rupees 10 an acre, and the Irandalam have agreed. But paragraph 6 he says he has provided for a remission from the Irandalam's peishcush equal to the assessment on the portion of the Irandalam lands taken, but the Board presume he means *the rent* paid on it to the Irandalam.

26. The item of Rupees 60 for three cocoanut trees belonging to a ryot is unobjectionable if, as the Forest supposes is the case, the trees were not old.

27. The compensation claimed by ryots and disallowed by them at Rupees 123 should not, in the Board's opinion, be granted. The Collector says: "The individual tenure of Zemindari ryots is so precarious that I fancy they scarcely consider themselves to have any property right. I have, in consequence, thought it right to provide for compensation only in cases where claim was laid." The reason is of some importance, as it seems, because the grant of compensation to a few ryots in this case would stimulate the rest to make similar demands both now and hereafter. In Venkatagiri, as in Chennur, Cadastry, the ryots are practically tenants-at-will, and as in the case disposed of in G. O. dated 5th August 1868, No. 884, no compensation should be given, except for *improvements*, if such can be shown to have been made by the occupants. None are alleged in this case.

28. For the Venkatagiri canal land reissued at Rupees 102 has been taken up. The permanent reduction should be Rupees 118, and the payment Rupees 885.

29. Thus, altogether, it is now proposed that the Venkatagiri Rajah's peishcush should be reduced for Fasli 1283, and that he should receive Rupees 3,772; also that Rupees 60 should be paid to a Zemindari ryot and Rupees 102 to Zemindari Irandalam. The Collector will report how much of these payments should be borne by the Local Fund.

30. The services of the Government will be called for the necessity for providing means of crossing the Chennur channel, referred to in paragraph 19 of Mr. Vansittart's letter of the 16th April 1870, No. 660.

31. The assessment on ryots' lands taken up on account of the Chennur channel, East-Coast Canal, and the Venkatagiri canal, will be dealt with in separate Proceedings.

No. 268. Proceedings of the Board of Revenue, dated 16th September 1873, No. 1,787.

Read the following letter from G. VASSAGNEW, Esq., Collector of Nellore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 4th August 1873, No. 1,739.

I have the honor to acknowledge the receipt of the Board's Proceedings, No. 1,198, dated 5th July 1873, passing orders on the claims for compensation for lands taken up in the Estates of Calastry and Venkatagiri.

2. With reference to paragraph 16, I beg to observe that Article 19 of the second Schedule attached to the Limitation Act provides a limitation for one year for suits "against Government for compensation for land acquired for public purposes" from "the date of determining the amount of the compensation." Article 149 quoted by the Board, provides a limitation of twelve years for suits "for possession of immovable property or any interest therein *not hereby otherwise specially provided for*." The words in italics in the above quotation do not appear to have been noticed by the Board. The present claims are certainly claims "for compensation for land acquired for public purposes," falling within the meaning of Article 19. In paragraph 6 of his opinion, recorded in G. O., No. 377, dated 4th March 1872, Mr. Norton quotes this very Article as applicable also to cases falling under the old Limitation Act. In the face of this special provision, I am still of opinion that the Article quoted by the Board is not applicable, and that mine is the correct interpretation of the law on this vital point.

3. In paragraph 4 of their Proceedings under reply, the Board remark that the assessment of the immemorial waste taken up in the Calastry Zemindari is Rupees 38-7-11 and not Rupees 41-3-6, which is noted to be the result of a clerical error. The Office-copy of the statement does not exhibit any such errors. I beg to enclose a copy thereof, and request that errors, if any, in the statement already submitted to the Board may be corrected. The entry 41-3-6 is correct.

4. The mode in which the Board have calculated the interest due to the Calastry Zemindar in paragraph 9 appears to me to be incorrect. The amount proposed to be deducted permanently from the peishcush is multiplied by the number of years for which the remission is due, and the interest is calculated for one single year on the product thus obtained, which, it is clear, is not the principal appertaining to any particular year. There are three cases. In the first case it is noted that the interest allowed is for fifteen years, while in the second and third cases it is for five and three years, respectively.

5. The principal on which interest is due is the amount of deduction to be permanently made. Supposing, as in the last case, the remission is due for three years, the interest is due on the principal for six years; because for the amount appertaining to the first year interest is due for three years, for the amount appertaining to the second year for two years, and for the amount appertaining to the third year for one year. The account of each year being the same, the interest is due for (3+2+1) six years. In the same manner, interest is due for (5+4+3+2+1) fifteen years in the second case, while in the first case it is due for the total of one to fifteen or one hundred and twenty years. The amount payable according to this calculation is as follows:—

Year.	Amount.	Number of years for which the Amount is due.	Amount per Annum.	Total for the period.
	Rs. A. P.		Rs. A. P.	Rs. A. P.
1868	14 12 7	15	0 14 4	107 8 0
1869	8 5 4	14	5 4 9	76 10 3
1870	14 1 0	13	9 7 5	14 12 3
Total interest,				198 1 6

The amount of interest allowed by the Board is 46-5-9, as detailed below :—

	Rs.	A.	P.
For 1858	13	6	9
For 1868	25	9	0
For 1870	7	6	0
Total	46	5	9

6. The total sum payable to the Zemindar would thus be Rupees 971-14-5 instead of Rupees 819-5-5, as arrived at in paragraph 30 on account of cultivated lands.

7. With reference to the Board's remarks in paragraph 22, I beg to state that the details as to lands occupied and unoccupied are available for the claims on account of the Cheyaur channel, East Coast Canal, and the Venkatagiri road. Lands shown as occupied are assumed to be cultivated, as the question whether it was really cultivated every year or not is not material. The details are given below :—

	Occupied.				Unoccupied.				Total.			
	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.
Dry	1·03	0	9	0	21·53	30	10	10	22·72	36	15	7
Wet	26·79	165	3	10	.....	.....	.....	.....	26·79	165	2	10
Garden	6·46	93	0	0	.....	.....	.....	.....	6·46	94	0	9
Total	34·28	260	8	4	21·53	30	10	10	55·97	296	3	4
Dry	0·29	0	7	3	64·84	100	6	7	65·13	100	12	10
Wet	19·45	126	0	8	10·69	59	8	1	30·14	185	8	9
Garden	0·15	0	15	4	.....	.....	.....	.....	0·8	0	15	4
Total	19·89	126	7	5	75·53	159	13	8	95·85	287	4	11
Dry	12·16	81	7	11	54·22	73	10	10	66·38	99	2	9
Wet	0·09	1	6	10	.....	.....	.....	.....	0·09	1	1	10
Garden	3·91	28	6	0	.....	.....	.....	.....	1·84	22	6	9
Total	20·29	88	0	8	54·22	73	10	10	75·51	122	11	1

8. The Board observe that the assessment on the unenclosed portion need not be given for past fasles. I presume that the Board mean unassessed for the term unexpired. As the deduction from the peishcush is allowed on all cultivable lands whether actually occupied or not, on the ground that cultivable lands are likely to yield assessment to the Zemindar, it appears to me that no distinction should be made in awarding payments for the past fasles. If the question were settled as soon as the lands were taken up, the Raja would get a deduction equal to the assessment of such lands. The delay in the settlement of the claims, which is not caused by the Raja, should not in my opinion deprive him of what he would otherwise get. Holding this view, I recommended that unwilling as we now are to deal with the land we really occupied lands, I only refrained myself on the fact that they had been cultivable.

9. In paragraph 25 the Board seem to think that the assessment of Inam lands should not be deducted, as the peishcush of 0·46 acres of such lands assessed at Rupees 23-2-11 are included in the area referring to the East Coast Canal, as detailed below :—

		Acres.	Rs.	A.	P.
Mudras Taluq	Mudras Taluq	0·53	2	3	11
Sholinghur	Sholinghur	0·32	1	3	5
Vellore Cowlies	Vellore Cowlies	0·65	3	0	0
Polur	Polur	0·31	2	12	0
Cheyaur	Cheyaur	1·26	6	1	0
Tindivanam	Tindivanam	0·43	2	13	0
Total		3·45	18	2	11

The first two Taluqs seem to refer to certain services. It is not clear whether the last 10 acres

10. The Rajah, I fancy, can resume Inams or grant other Inams. In this estate, the Inams were not settled by the Inam Department. No inquiry has been made as to the Jodi which the Rajah gets. On a reference made to him on the subject, the Rajah informed me that he was drawing Rs. 71-8-5 from 13·50 acres of certain Inams, of which the area under consideration forms a part in the shape of tank *nera, etc.* But I did not think it worthwhile to go into the question, as the Rajah has a reversionary title to all Inams in his estate, and the Government have nothing to do with such Inams.

11. Under the item relating to the Venkatagiri road, Inams are also included to the extent of 20·42 acres, assessed at Rs. 37-11-7.

Inam.

	Cultivated.				Waste.				Total.			
	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.
Dry	3·81	5	7	9	15·56	22	6	1	19·37	27	13	10
Wet	0·69	4	9	11	.....	.....	.....	.....	0·69	4	9	11
Garden	0·36	5	3	10	.....	.....	.....	.....	0·36	5	3	10
Total	4·86	15	5	6	15·56	22	6	1	20·42	37	11	7

12. There is nothing on record to show the nature of these Inams or payment of Jodi, if any, made to the Rajah. Some of them appear to be Personal and others, Service Inams. No claims have been made by the holders of these Inams. If there is no Jodi payable to the Rajah on these Inams, the result would be that all this extent would be obtained without any cost to Government if the assessment is not to be deducted from the Rajah's peishcush.

13. In paragraph 13 the Board recommend that the deduction from the Calastry Zemindar's peishcush be made from this fasli, which would mean the current fasli 1283, which begins from the 1st July 1874, as the Board's Proceedings is dated 5th idem. I recommended the deduction from fasli 1282. I made a similar recommendation in regard to the claims of the Venkatagiri Rajah; but in paragraph 22, the Board speak of deduction to be made in 1873, half of which year refers to fasli 1282, and the remaining half to the current fasli 1283. It will be necessary for the Board to decide definitely from what fasli the deduction should begin.

14. In paragraph 29 the Board call for information as to how much of the amount payable to the Rajah of Venkatagiri should be paid from the Local Fund. In their Proceedings, No. 1,362, dated 22nd July 1873, passing orders on the claims for compensation on account of ryotwari lands taken up for the same works, *viz.*, the Venkatagiri road, Cheyaur channel, and the East-Coast Canal, the Board sanction the payment on account of the Venkatagiri road from the Local Fund, and recommend the other two items to Government for sanction. The same course should, I think, be followed in regard to the claims of the Rajah.

Enclosure No. 1.—Statement.

Explanations to Government with reference to Board's Proceedings, 6th July 1874, No. 1,198.

2. The Board have no doubt that their view of the law is correct. Act XIX, Schedule I of the Limitation Act obviously refers to cases in which compensation is legally determined, as for instance, under the Land Acquisition Act.

3. The same error which the Board remarked on before is found in the copy now forwarded of Statement No. 2. Acres 9·06 of land, assessed at Rs. 0-10-5 an acre, pay Rs. 6-0-5, not Rs. 5-11-11 as shewn in the Statement.

4. The Collector is right in paragraph 6. The sum which should be paid to the Zemindar of Calastry on account of assessment is Rupees 971-14-5 not Rupees 819-5-5.

5. The Board cannot understand the statement given in paragraph 7, though they would probably be able to do so if Statement B were before them. The head deals with 16 divided into three totals, and there is nothing to show to what each total refers.

6. In paragraph 8 the Collector argues that as land unoccupied when taken by Government might have become occupied afterwards, and as the Rajah would have had the assessment of such land deducted from his peishcush in fixing the latter had been settled then, the assessment should now be repaid for past fasls. On examination the Board agree with him. The claims are not like those referred to in paragraph 3 of the Board's previous Proceedings which require to be dealt with shortly.

7. Under the circumstances described by the Collector in paragraphs 9—12, the Board think it right as to the Rajah's claim to have the full assessment on lands deducted from his peishcush.

8. The Board think that the deduction from peishcush in the case of both Calastry and Venkatagiri should begin from fasli 1282.

9. The payment of Rupees 33[illegible] due to the Venkatagiri Rajah for the Venkatagiri road is sanctioned from the Road Fund Reserve of the Nellore Circle.

Ordered, that, 31st July 1874, No. 955.

Land Revenue, No. 85.

The Board of Revenue submit their proposals for the settlement of the claims made by the Zemindars of Venkatagiri and Calastry to compensation for lands taken up for roads and channels.

2. The Governor in Council approves generally of the proposed settlement, which is based on the principle laid down in G. O. (Public), 4th March 1872, No. 377, and provides for all cases of recent appropriation while it refuses to consider claims of a novel nature.

3. The Government are, indeed, unable to accept the reasoning which has led the Board to approve of claims to loss of assessment on land occupied and in the deduction from the Rajah's peishcush of the full assessment of Tottas, nor can they admit the validity in principle of such claims; but as the amounts involved are small they are willing to allow the payments to be made and the deductions to stand.

4. The deductions from peishcush should take effect from the current others of fasli 1282 as proposed by the Board.

The amount of these deductions and lump payments as finally settled appear to be as follows:—

	Peishcush deduction.	Lump Payment.
	Rs.	Rs.
Calastry	181	320
Venkatagiri	2,080	3,587
Irrukkam		109
Kaipur		60
Total	2,293	4,100

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1 Relating to the correspondence noted in the margin, see Proceedings, 31st July 1874, No. 954.

2 The Rajah then asked for the permission of the author of the foregoing Proceedings, with the sanction of Government, to visit Europe, and that to pass Rupees 30 in the Public Works Department.

(True Extract)

(Signed) C. G. MASTER.
Acting Secretary to Government.

To the Board of Revenue.
The Hon'ble the Public Department.
The Chief Engineer, Public Works Department.
The Accountant-General.

No. 1,198.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th July 1873.

Read the following letters :—

From G. VANSAGNEW, Esq., Collector of Nellore, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 16th April 1873, No. 784.

I HAVE the honour to enclose a statement, showing lands taken up from the villages of the Calastry Zemindari, from time to time, for public purposes.

2. In May 1869, Mr. Dykes wrote a letter to the Zemindar, requesting his opinion as to certain roads which he proposed to form through his villages. The Zemindar, in reply, stated that no compensation had been given for lands previously taken up, and requested payment for such lands. Thereupon Mr. Melville wrote in November 1869, requesting the Zemindar to submit detailed accounts of his lands, which he accordingly submitted in November 1870.

3. Abstracts were prepared from the accounts thus submitted, and sent out to the several Tahsildars, with instructions to verify the measurements in the presence of the Zemindar's officials. The statement thus prepared having been signed by the Talvi and Rajah's officials, I have taken the same as the basis in preparing the return now submitted herewith.

4. The Board will observe that the lands were taken up in 1863, 1868, and 1870. As the Zemindar submitted the accounts in 1870, the claim is not barred by the law of limitation as laid down in Act XIV. of 1859.

5. The details of the lands are as follow :—

	Acres.	Assessment. Rs. A. P.
Immemorial waste	46·01	11 3 5
Poramboke	13·39	11 2 8
Cultivated lands	122·20	141 3 4
Total ...	130·20	163 9 5

6. The second item, "Poramboke," is, I fancy, land set apart for public purposes. As this item is not a source of revenue to the Zemindar, I do not think he has any claim in respect to it. I would, therefore, exclude it, deducting the same accordingly. The difference is Rs. 152-6-9, which I beg to recommend may be deducted from the peishcush paid by the Zemindar in the district of North Arcot from the current fasli 1282. I beg also to recommend Rupees 304-13-0 to be paid to the Zemindar on account of fasli 1280 and 1 fasli 1281, as the accounts were furnished in fasli 1280 and a further sum of Rupees 7-8-0 on account of thirteen trees taken up in the Udayagiri Taluq.

7. The Zemindar objects, in addition to the proposed deduction, a lump payment of twenty years' purchase of the assessment on such lands.

8. The present proposal is, therefore, a permanent remission of Rupees 152-6-9 from fasli 1282, and payment of Rupees 304-13-0.

Enclosure No. 1.—Statement.

From the same officer, dated Nellore, 17th April 1873, No. 879.

With reference to the Board's Proceedings, Miscellaneous No. 1,735, dated 7th March 1872, communicating the order of Government dated 4th idem, No. 377, I have the honour to submit the following report on the claims of the Rajah of Venkatagiri for compensation on account of lands taken up for public purposes from time to time.

2. The Rajah sent in the accounts of lands in his southern taluqs, with letter dated 22nd September 1868, No. 16, while the accounts of the northern taluqs were received with his letter dated 2nd September 1869, No. 7. As the statements sent in by the Rajah included lands taken up so far back as 1811, it was impossible for the Department Public Works to afford any aid in certifying to the correctness of the area or the time of appropriation. The verification of the details was therefore entrusted to the Tahsildar and Deputy-Tahsildar concerned, who conducted all measurements in the presence of the Rajah's officials; and the detailed statements thus prepared, which form the basis of this report, are signed by the Revenue and Rajah's officials.

3. The following items included by the Rajah in his accounts have been excluded :—

1. Lands taken up for the Chennur channel.
2. " " for the Venkatagiri road.
3. " " the extension of the East-Coast canal.
4. " " in the village of Swarna, in the district of Kistna.

The first, second, and third, form the subject of a separate report submitted this day, as in those cases the lands were taken up but a few years ago, and the details were verified by the Department Public Works after special inquiry. The fourth item does not refer to this district, and does not therefore require any notice here.

4. The Rajah's claim, exclusive of the four items above referred to, consists of a permanent deduction of Rupees 1,069-13-3 per annum, and of a lump payment, once for all, of Rupees 4,744-0-0, as hereafter detailed below :—

	Acres.	Rs.	A.	P.
Lands actually taken up, on which permanent remission equal to the full land assessment thereon is claimed	1,130·41	2,067	2	2
Irrigable lands, for a part of which only remission, proportionate to the assessment is claimed	190·30	149·5	8	1
Total of Statement A	1,320·71	2,069	7	3
Total area on which lump payment at Rupees 8 per acre is claimed	593·88	4,744	0	0

5. In pursuance of the Proceedings noted in the G. O. under reference, the Board examine the claim in three parts, the first relating to the cession of Act XX. of 1858, and the second to that of the same. The remainder three parts relate to Statement A, B, and C, and to the question of the time of limitation. I have to enclose three statements, marked A, B, and C, showing the nature of the lands under the three heads specified in paragraph 3. In these statements, the gross and the total extent of the area, the deduction to be made on claims prior to 1853, and the further deductions to be made by the application of the law of limitation, as contained in Act XIV. of 1859.

6. In the remaining portion of this report, I beg to explain the principles upon which the above calculations have been made, and to submit my opinion on the claim.

7. [illegible] Statement A, [illegible] Statement B, [illegible] Statement C, [illegible] the Rajah's claim, [illegible] the Board will observe that in the first place there are only two letters which [illegible] Rajah, [illegible] in other words, we have the Rajah's representations only as regards two petty items out of several for which compensation is claimed; and even these representations are so vague that it is impossible to identify them distinctly in the absence of the entire correspondence which took place at the time. To calculate the period of limitation, it is essential to know when the claim was laid; but, as there is no chance of obtaining this information correctly, I have taken the letter of the Rajah in 1868 and 1869, when he forwarded definite accounts and proposals, as the time when the claims were laid, for the purposes of the calculations of the limitation period.

8. The item "high road" is common to both the southern taluq and the northern taluq. As it would be troublesome to analyse the same to see for how much of it 1868 and for how much 1869 would apply, I have adopted 1868 for the whole of this item, giving, thereby the benefit of the doubt to the Rajah.

9. Mr. Norton refers to the period of limitation as six or twelve years. I have assumed it at twelve years, as the Board have referred to the same as the limitation period.

10. The period of twelve years has to be calculated from the date on which the cause of action arose, that is, when the lands are taken up. But, as the exact dates are not known, I have taken the year following that in which the land is returned as taken up as the first year for calculating the period giving the benefit of this doubt likewise to the Rajah.

11. Statement A.—I shall now discuss the three statements separately. The following is an abstract of Statement A.

	Acres.	Rs.	A.	P.
Total extent of the claim	1,130·41	2,067	2	2
Deduct lands taken up prior to 1853	67·36	349	4	11
N.B.—In this case, the lands excluded relate to only one year, viz., 1845.				
Remainder	1,063·05	2,617	14	3
Deduct lands barred by the limitation of twelve years.	813·12	1,694	1	3
N.B.—In this case, the lands excluded appertain to three years, viz., 1853, 1854, and 1855.				
Remainder	249·93	923	13	0

The Board will observe that there are two doubtful items specified in the statement, viz., first, an item for which it is not possible to ascertain the year in which the lands were taken up; second, an item in which the year of appropriation is not definitely known, the time being given as between two periods. The Board will observe that the item for which the year is not known consists of only 2·09 acres, assessed at Rupees 5-4-0. When the year is not known at all, it is probable that it was taken up so long ago that the claim is barred. But, as the amount is very small in this case, I do not propose to omit it, but to give the benefit of the doubt to the Rajah. But I have shown it separately to enable the Board to exclude it, if they think it worthwhile. The item for which the years are not definitely known consists of 37·24 acres, assessed at Rupees 158-7-0. This item I have entered as appertaining to the following periods :—

1853 to 1857
1854 to 1863.

If the lands were taken in 1853 or 1854, the claim is barred; but it is admissible, if it relates to 1855 or 1863. As there is a matter of doubt, the benefit thereof may be given to the Rajah. I have shown this item also separately to enable the Board to exclude it, if they think proper.

12. Statement B.—In the Statement B the Board will observe that all the lands therein entered were taken up since 1862; and the deduction to be made consists only of the exclusion on account of the limitation period of twelve years. The years thus excluded are 1853 and 1854.

as detailed in the statement, and the permanent remission on this account is Rupees 348-12-3, as detailed below :—

	Acres.	hs.	A.	Pc.
Total claim	190·85	1,04	5	1
Deduction	143·56	69	8	10
Remainder ...	46·79	348	12	3

13. STATEMENT C.—The lands entered in this statement do not occur in the two statements already referred to. The following is an abstract :—

	Cums.
Total extent of the claim	592·88
Deduct lands taken up prior to 1852	116·66
Remainder ...	476·22
Deduct lands barred by the limitation of twelve years ... ... N.B.—In this case, they relate to three years, viz., 1858, 1854, and 1855.	72·59
Remainder ...	403·63
Deduct cases for which year is not known ...	378·80
Remainder ...	24·83

(1.) The cases in which the year is not known being several, I have excluded the item altogether. The Board will observe from the statement that there are 18·92 acres, for which the years are not definitely known, which, as in the case of Statement A, I have included and shown separately.

(2.) The Rajah claimed payment at Rupees 3 per acre. Mr. Arbuthnot thought one or half rupee per acre would be sufficient. As the extent is only about 25 acres, it is hardly worth disputing about.

14. The net result is as follows :—

	Permanent Remission.			Long revenue.		
	Rs.	A.	P.	Rs.	A.	P.
As claimed by the Rajah ...	4,068	7	3	4,743	0	0
As above shown	1,272	8	3	193	0	0
Decrease ...	2,795	15	0	4,551	0	0

15. In paragraph 8 of the Proceedings quoted in the G. O. under reference, the Board call for a statement showing the dates on which the notifications for the several roads were sanctioned, and the dates when the construction thereof was commenced. I beg to enclose a statement prepared from the old progress reports and letters, so far as the information was available. The statement, which has entailed much trouble, does not appear to answer any end in determining the question under consideration. I beg, however, to submit it, as the Board have called for it.

16. The Government, in their order under reference, observe that no claims "should be admitted which are not enforceable in law." This means that we should allow to the Rajah only as much as he could obtain by a law suit. The Board will admit, and I believe he would think of taking such a course; but the question how much of his claim is enforceable in law would depend on the date on which such suit might be filed. If a suit had been filed in 1870, the Rajah could have received arrears from 1865 and if in 1873 only from 1869; so that the longer the filing of a suit is delayed, the larger is the proportion of claim barred by limitation. In fact, although I do not apprehend myself nor Government either, that a portion of such a course, we have only to delay the settlement of the claims for them to disappear of themselves; always supposing as I do that the Rajah would, under no circumstances, enter into litigation with the Government.

17. The results above shown are, as already stated, based on Act XIV. of 1859, which has been repealed by Act IX. of 1871, which came into force on 1st July 1871. From Sections 1 and 2 of this Act the Board will observe that the limitation provided for in it applies to all suits brought after 1st April 1873; and the period of limitation is one year from the date on which *the amount of compensation is settled*. As in none of the cases has any settlement been made, it seems to me that the Rajah is not barred from filing a suit, however old his claims may be; and as the fact that the lands were taken, and that no compensation was ever settled, cannot be disputed, we should be unable to resist a civil suit, if he should file one. If the spirit of the G. O. under consideration be taken in connection with the existing, and not with the obsolete, law, I am unable to recommend the exclusion of any items of the Rajah's claims.

ENCLOSURES Nos. 1 to 4.—Statements.

From the same officer, dated 16th April 1872, No. 880.

With reference to paragraph 3 of my letter No. 879 of the 17th instant, I have the honour to submit two statements marked A and B, showing the lands taken for the Chemour channel, the extension of the East-Coast Canal, and the Venkatagiri road; the former gives details of ryotwar lands and compensation to be paid to each ryot; and the latter exhibits the lands of the Venkatagiri Rajah and the compensation payable to him and his ryots.

2. The lands in all these three cases are reported to have been taken up in 1868. About 12 acres of land out of the area appropriated for the Venkatagiri road are reported, by the Department of Public Works officers, as having been taken up in December 1869. But in the return prepared by the Tahsildar and the Department of Public Works officers jointly, the details of the year are not given, and it is difficult to distinguish the area taken up in 1869 from that taken up in 1868. As the extent is comparatively small, I have not considered it necessary to make any further inquiry on this subject. Assuming that the lands were taken up in 1868 at the beginning of that year, the compensation the three Rajah's ryots are permanent remission of Rupees 746-3-5 from this peishcush from the current fasli 1282, and a lump sum of Rupees 2,984-13-8 for the four years, viz., 1279, 1279, 1280, and 1281, as detailed below :—

	Amount of annual Remission.		
	Rs.	A.	P.
Chemour channel	200	3	2
East-Coast Canal	337	4	11
Venkatagiri road	162	11	4
	746	3	5
			4
	2,984	13	8

3. Rupees 722-9-9 are payable to the Government as well as Rajah's ryots, as detailed below :—

	Govt. Ryots.			Rajah's Ryots.			Total.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Chemour channel	142	9	6	.....			142	9	6
East-Coast Canal	217	1	10	286	11	0	503	12	10
Venkatagiri road	76	3	3	.....			76	3	3
Total ...	435	14	9	286	11	0	722	9	9

4. The claims for the three works referred to involve a payment of Rupees 3,707-7-5 in addition to a permanent deduction of Rupees 746-3-5 from the Rajah's peishcush from the current fasli 1282.

5. It is only in the case of lands taken up for the East-Coast Canal that certain ryots of the Rajah claimed compensation, as detailed in Statement A. In the remaining cases no claims have been laid. The individual tenure of Zemindari ryots is so precarious that I fancy they scarcely consider themselves to have any property right. I have, in consequence, thought it proper to provide for compensation only in cases where claim was laid.

6. In paragraph 3 of their Proceedings No. 546, dated 27th January 1869, the Board observe, in regard to certain Zemindari Inam land taken up for the East-Coast Canal, that if jodi is payable to the Rajah on the Inam land, the preferable course would be to deduct the amount from the sum payable to the Inamdars. The Board's instruction not being clear, I have provided for payment of compensation to the Inamdars at Rupees 30 per *kuree*, as requested by them, as the value of the land and for a remission from the Rajah's peishcush equal to its assessment.

7. The delay in submitting these claims is owing to the difficulty experienced in obtaining correct return of the area taken up and the time when taken up. The Tahsildar prepared a return first. Both Department of Public Works and the Rajah disputed the correctness of the Tahsildar's return, and the returns furnished by the Rajah and the Department of Public Works did not tally. After a great deal of correspondence, I caused the measurements to be made by the Tahsildar in presence of the Department of Public Works officers and the Rajah's officials, and the statements prepared in the manner having been signed by the three officials, I have taken the same as the basis in settling the claims, as above shown.

8. I have received Rupees 6,000 from the Department of Public Works for payment of compensation on account of lands taken up for the Chennur channel and Venkatagiri road at Rupees 1,000 for each. The amount to be paid for wet as the value of land and trees in these two cases is only Rupees 214-4-2 (*vide* Statement A), leaving the same from the Rupees 2,000, there is a balance of Rupees 1,781. But the sum payable to the Rajah has above shown as Rupees 1,805-10-0 on account of these two works.

	Rs.	A.	P.
Chennur	643	9	8
Venkatagiri	159	13	4
	803	7	0
The Rajah	1,002	13	0
	1,805	10	0

9. The amount remitted by the Department of Public Works seems to be the sum provided for in the estimates for meeting claims for compensation. It does not appear that any provision was made in the estimate for the East-Coast Canal.

10. The sum of Rupees 2 only received from the Department of Public Works has not been paid, pending the settlement of these claims and the sanction of Government.

11. I may add that the Rajah has other large claims against the Chennur channel. His precaution through his villages without the smallest provision having been made for crossing it has caused much loss and encroachment, which will have to be obviated *by* a considerable addition to the original cost of the project. It would take a large sum to compensate for the actual loss occasioned by this unfortunate manner in which the project was carried out. The Rajah has lately pressed the subject on me, and I am in communication with the Executive Engineer on the subject. Two years ago I was required to obtain estimates for the necessary works by the then Range officer.

Proceedings Nos. 1 and 2.—Statements.

These papers contain reports on the claims of the Zemindars of Calastry and Venkatagiri to compensation for lands taken up in roads and channels.

2. In accordance with the principles laid down in G. O. dated 4th March 1872, No. 377, the Collector submits a report on such claims only as accrued within twelve years *before* the Zemindars made their first distinct application to the Collector.

3. In the case of Calastry the compensation is for land taken up in 1868, 1868, and 1870, the Zemindar having rendered his accounts in 1870.

4. The claims are on account of—

		Rs.	A.	P.
Immemorial waste assessed at		*99	7	11
Poramboke		11	2	8
Cultivated land, dry		89	12	4
Do. wet		12	8	0
Do. garden		38	14	3

* Not Rupees 41-3-5 as stated in consequence of a clerical error in the first item.

5. The manner in which the assessment was calculated is not stated, but the Board have no doubt that in the case of cultivated lands it was based on collections, and in the case of waste on the assessment of similar adjoining lands.

6. For the immemorial waste and cultivated land the Zemindar will be amply compensated by a reduction in his peishcush and a payment for loss of assessment up to date on occupied land only.

7. For the Poramboke from which no revenue could be expected, the Collector rightly proposes that no compensation should be paid.

8. On account of loss of assessment since the land has been taken by Government, the Collector recommends that Rupees 201-13-6, or two years' assessment on waste and cultivated lands, should be granted. The two years taken are fasli 1280 and 1281, as the accounts were furnished in fasli 1280. The Board think, on the one hand, that nothing should be granted on account of loss of assessment on immemorial waste; and on the other hand, that the assessment lost on cultivated lands should be paid from the date when they were taken, not from the date when the accounts were submitted, and that interest, at 6 per cent., should be allowed up to the present year, viz., 1878.

9. The assessment of the cultivated lands taken up in each year was as follows—

	Rs.	A.	P.
1868	14	12	7
1868	85	3	4
1870	41	1	5

10. The calculation will then run thus—

Rs.	A.	P.					Rs.	A.	P.
14	12	7	×	15	3	interest, at 6 per cent. for fifteen years =	2	7	1	6
85	3	4	×	5	3	,, at 6 ,, ,, for five ,, =	451	9	5
41	1	5	×	3	3	,, at 6 ,, ,, for three ,, =	130	10	3
						Total ...	810	5	5

11. Another item of Rupees 7-0-0 for trees is suggested, and the Board would accept the Collector's opinion on this point.

12. The Zemindar claims a lump payment of twenty years' purchase for the proprietary right, but this must be disallowed in accordance with the precedent which closed with G. O. dated 6th August 1874, No. 1,044.

13. The Board accordingly propose that the peishcush of the Calastry Zemindar should be reduced by Rupees 198 from this fasli, and that he should have a lump payment of Rupees 837. The greater part of this payment is on account of a road made from the Road Fund, and should, therefore, the Board think, be paid from the Local Fund.

14. With regard to the Venkatagiri claims two letters are submitted; the first relating to land taken up for roads and channels many years ago; the second to land taken up for the Chennur channel, the East-Coast Canal, and the Venkatagiri road, which fall under a different category.

15. The Zemindar submitted his accounts for the older works in 1868 and 1869. He claims to have his peishcush reduced by Rupees 4,009 and a payment made of Rupees 4,743.

16. The Collector's interpretation of the views of Government with regard to the application of the Limitation Act to these claims, set forth in paragraphs 7 to 10, is correct. In paragraphs 16 and 17 he misconstrues the new Limitation Act, which he will see, if he reads Article 145 of Schedule 2, leaves the law as it stood under Act XIV. of 1859 as far as regards suits for an interest in immoveable property.

17. Statement A shows the land on which permanent remission equal to the full tarem assessment is claimed. It is not stated whether the whole of this land was cultivable, and the matter is unimportant if no claim is made for loss of assessment in past years. The Board agree with the Collector that a permanent remission of Rupees 924 should be granted on this account.

18. Statement B shows the land for which the difference between wet and dry rates is claimed, because the irrigation has been interrupted. The Board agree with the Collector that a permanent remission of Rupees 349 should be granted on this account.

19. Statement C shows land on which the Zemindar claims a lump payment. The Board concur in the Collector's calculation that only 27 acres out of 476 fall within the twelve years' limit, but they doubt whether any compensation at all should be paid on this account. From the nature of the statement as well as from paragraphs 5 and 6 of Mr. Powell's letter of the 30th October 1869, (Board's Proceedings, 4th September 1869, No. 2,784), it would appear that these lands are Poramboke. If so, the Zemindar has not even a claim by their having been occupied by Government until he has been benefited so much by the roads, to which 20 out of the 27 acres appertain, that, as in the case of Calastry, the Board think no compensation should be granted on this account. For the 7 acres taken up for the Cutcherry Pandal Shed, Choultry, and Stone Yard, Rupees 44 (at Rupees 6 an acre) as demanded by the Zemindar, may be paid.

20. While Board are surprised that no claim has been made on account of assessment on unoccupied lands.

21. The second letter refers to the Chennur channel, the East-Coast Canal, and the Venkatagiri road, and the Collector explains, as the Collectorate plans, he assumed to have not taken in 1863).

22. The object Government in Venkatagiri claims. It is contended whether the land involved was alienated or not. If it was not, the assessment on the unoccupied portion need not be given for ever, though the permanent reduction of peishcush made in 1873, since for all cases to abide the debt. The Collector will report on this point, and in the meantime the Board will reserve that the land was all cultivated.

23. For the Chennur channel the assessment at Rupees 267, was taken up, and remission was recommended to the extent of Rupees 51. The resumption of remission will therefore be Rupees 216, and the payment for five years from 1868 to 1873 will be Rupees 1,080.

24. For the East-Coast Canal land assessed at Rupees 287, was taken up, and the remission of peishcush should be Rupees 287, and the payment to Zemindar for five years Rupees 1,435.

25. The Board would like to give Rupees 104 to Venkatagiri Jeevanadi of land. The Collector has valued it at Rupees 30 an acre, and the Board agree. In paragraph 6 he says he has proceeded on a reduction from the high peishcush equal to the assessment on the portion of the land taken. Per the Board presume by means the total land or it is the Rajah.

26. The Board agree with the Collector's recommendation regarding the Venkatagiri road.

27. The compensation should be paid at once, and the sum at Rupees 123 should not, as the Board's orders, be granted. The Collector says: "The individual tenure of Zemindari lands is so precarious that Ryots may scarcely consider themselves to have any property right in I have, in consequence, thought it right to provide for compensation only in cases where claim was laid." The matter is of more importance than it seems, because the grant of compensation to a few ryots in this case would stimulate the rest to make similar demands both now and hereafter. In Venkatagiri, as in Carvetnagger and Calastry, the ryots are practically tenants-at-will, and as in the case disposed of in G. O. dated 5th August 1863, No. 384, no compensation should be given, except for *improvements*, if such are shown to have been made by the occupants. None are alleged in this case.

28. For the Venkatagiri road, land assessed at Rupees 181, has been taken up. The permanent remission should be Rupees 163 and the payment Rupees 815.

29. Thus, altogether, it is now proposed that the Venkatagiri Rajah's peishcush should be reduced by Rupees 2,020, and that he should be paid Rupees 3,772; also that Rupees 60 should be paid to a Zemindari ryot, and Rupees 104 to Zemindari Inamdars. The Collector will report how much of these payments should be borne by the Local Fund.

30. The attention of Government will be called to the necessity for providing means of crossing the Chennur channel, adverted to in paragraph 10 of Mr. VansAgnew's letter of the 16th April 1873, No. 880.

31. The compensation for ryotwary lands taken up on account of the Chennur channel, East-Coast Canal, and the Venkatagiri road, will be dealt with in separate Proceedings.

(True Copies and Extract.)

(Signed) J. GLOSE,
Secretary.

To the Acting Secretary to Government, Revenue Department,
with seven original Statements, to be returned.

" the Collector of Nellore.

Ed. P. B. Bentleman.

Received 1873
Board of Revenue
Madras.

Department for 1873 No. 1,787.

Read

No. 1,198

Correspondence—for lands in Calastry and Venkatagiri Zamindaris taken up for roads and Calastry Zamindar's Bungalow from Collector of Nellore—submitted for the opinion and remarks of Examiners to —, submitted by the Superintendent with remarks.

Examiners.

No. 1,787.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th September 1873.

Read the following letter from G. VANSAGNEW, Esq., Collector of Nellore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated 4th August 1873, No. 1,730:—

I HAVE the honour to acknowledge the receipt of the Board's Proceedings, No. 1,198, dated 5th July 1873, passing orders on the claims for compensation for lands taken up in the Estates of Calastry and Venkatagiri.

2. With reference to paragraph 16, I beg to observe that Article 149 of the second schedule attached to the Limitation Act, provides a limitation for one year for suits "against Government for compensation for land acquired for public purposes" from "the date of determining the amount of the compensation." Article 145, quoted by the Board, provides a limitation of twelve years for suits "for possession of immoveable property or any interest therein *not hereby otherwise specially provided for*." The words underlined by me in the above quotation do not appear to have been noticed by the Board. The present claims are certainly claims "for compensation for land acquired for public purposes," falling within the meaning of Article 149. In paragraph 6 of his opinion, recorded in G. O., No. 377, dated 4th March 1872, Mr. Norton quotes this very article as applicable also to cases falling under the old Limitation Act. In the face of this special provision, I am still of opinion that the article quoted by the Board is not applicable, and that mine is the correct interpretation of the law on this vital point.

3. In paragraph 4 of their Proceedings under reply, the Board remark that the assessment of the immemorial waste taken up in the Calastry Zemandari is Rupees 39-7-11, and not Rupees 41-3-5, which is noted to be the result of a clerical error. The Office copy of the statement does not exhibit any such errors. I beg to enclose a copy thereof, and request that errors, if any, in the statement already submitted to the Board, may be corrected. The entry 41-3-5 is correct.

4. The mode in which the Board have calculated the interest due to the Calastry Zamindar in paragraph 9, appears to me to be incorrect. The amount proposed to be deducted permanently from the Peishcush is multiplied by the number of years for which the remission is due, and the interest is calculated for one single year on the product thus obtained, which, it is clear, is not the principal appertaining to any particular year. There are three cases. In the first case it is noted that the interest allowed is for fifteen years, while in the second and third cases it is for five and three years respectively.

5. The principal on which interest is due is the amount of deduction to be permanently made. Supposing, as in the last case, the remission is due for three years, the interest is due on the principal for six years. Because for the amount appertaining to the first year, interest is due for three years, for the amount appertaining to the second year for two years, and for the amount appertaining to the third year for one year. The amount of each year being the same, the interest is due for (3+2+1) six years. In the same manner, interest is due for (5+4+3+2+1) fifteen years in the second case, while in the first case it is due for the total of one to fifteen or one hundred and twenty years. The amount payable according to this calculation is as follows:—

Year.	Amount.	Number of years for which interest is due.	Amount per annum.	Total for the period.
	rs. a. p.		rs. a. p.	rs. a. p.
1858 ...	14 14 4	120	0 14 4	107 8 0
1869 ...	85 3 4	15	8 1 0	76 10 0
1870 ...	41 1 5	6	2 7 6	14 12 6
Total interest ...	...	...	...	198 14 6

The amount of interest allowed by the Board is 46-5-9, as detailed below:—

	Rs.	A.	P.
for 1858	13	6	9
for 1868	25	9	0
for 1870	7	6	0
	46	5	9

6. The total sum payable to the Zemindar would thus be Rupees 971-14-5 instead of Rupees 813-5-5, as arrived at in paragraph 19 on account of cultivated lands.

7. With reference to the Board's remarks in paragraph 22, I beg to state that the details as to lands occupied and unoccupied are available for the claims on account of the Chennur Channel, East Coast Canal, and the Venkatagiri Road. Lands shown as occupied are assumed to be cultivated, as the question whether it was really cultivated every year or not is not material. The details are given below:—

	Occupied.				Unoccupied.				Total.			
	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.
Dry	4·38	6	4	9	21·34	30	10	10	25·72	36	15	7
Wet	26·79	165	2	10	.....	...	...	...	26·79	165	2	10
Garden	6·46	34	0	9	...	...	...	...	6·46	34	0	9
Total...	37·63	205	6	4	21·34	30	10	10	58·97	236	3	2
Dry	20·91	0	7	3	94·85	100	5	7	65·76	100	12	10
Wet	99·10	126	0	8	14·09	59	8	1	50·14	185	8	9
Garden	0·8	0	15	4	...	...	...	...	0·8	0	15	4
Total...	120·82	127	7	5	73·53	159	13	8	95·35	287	4	11
Dry	12·16	17	1	11	30·72	78	10	10	66·56	96	2	9
Wet	6·80	44	1	10	...	...	...	...	6·80	44	1	10
Garden	1·64	22	0	8	...	...	...	...	1·64	22	0	8
Total...	20·60	84	3	5	30·72	78	10	10	75·1	162	31	4

8. The Board observe that the assessment on the uncultivated portion need not be given for want of data. I presume that the Board mean uncompared by the term uncultivated. As the deduction from the Peishcush is allowed on all cultivable lands, whether actually occupied or not, on the ground that cultivable lands are likely to yield assessment to the Zemindars, it appears to me that such deduction should be made in awarding payments for the past fasalies. If the question were settled as soon as the lands were taken up, the Patel would get a deduction equal to the assessment of such lands. The delay in the Settlement of the claim, that it is understood by the Board, should not in any manner deprive him of what he would otherwise get. Holding this view, I did not consider it necessary to make minute inquiries as to how much of the land was really occupied land. I only made a general enquiry as to the fact that the lands were cultivable.

9. In paragraph 23, the Board seem to think that the assessment of Inam lands should not be deducted. The Inam of 145 acres of wet land assessed at Rupees 23-2-12, are included in the Estate in the Land Register, as detailed below:—

		Acres.	Rs.	A.	P.
Wet ...	Dewaya Tirumanda ...	0·39	2	8	10
Shrotriem	Gulla Pottigam ...	0·22	2	2	5
Salary Grantee	Village Godasee Annayya ...	0·05	0	0	5
Carpenter ...	Kavaluru Peeryadu ...	0·41	2	12	1
Washerman ...	Dhobee Kistnaiah ...	1·17	9	14	0
Inamdar ...	Gulla Pedderu ...	0·26	2	13	2
	Total ...	3·45	20	3	14

The first five Inams seem to refer to certain service. It is not clear whether the last do so.

10. The Rajah, I fancy, can resume Inams, or grant other Inams. In this Estate, the Inams were not settled by the Inam Department. No enquiry has been made as to the Jodi which the Rajah gets. On a reference made to him on the subject, the Rajah informed me that he was drawing Rupees 71-8-5 from 13·50 acres of certain Inams, of which the area under consideration forms a part, in the shape of Tank Mera, etc. But I did not think it worth while to go into the question, as the Rajah has a reversionary title to all Inams in his Estate, and the Government have nothing to do with such Inams.

11. Under the item relating to the Venkatagiri Road, Inams are also included to the extent of 20·42 acres, assessed at Rupees 37-11-7.

Inam.

	Cultivated.				Waste.				Total.			
	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.	Acres.	Rs.	A.	P.
Dry	3·81	5	7	9	15·66	22	6	1	19·27	27	13	10
Wet	0·69	4	9	11	...	...	...	...	0·69	4	9	11
Garden	0·86	5	3	10	...	...	...	...	0·86	5	3	10
Total...	4·36	15	5	6	15·66	22	6	1	20·42	37	11	7

12. There is nothing on record to show the nature of these Inams, or payment of Jodi, if any, made to the Rajah. Some of them appear to be Personal, and others, Service Inams. No claims have been made by the holders of these Inams. If there is no Jodi payable to the Rajah on these Inams, the result would be that all this extent would be obtained without any loss to Government, if the assessment is not to be deducted from the Rajah's Peishcush.

13. In paragraph 13, the Board recommend that the deduction from the Caisastry Zemindar's Peishcush be made from this fasli, which would mean the current Fasli 1283, which begins from the 1st July 1873, as the Board's Proceedings is dated 5th idem. I recommended the deduction from Fasli 1282. I made a similar recommendation in regard to the claims of the Venkatagiri Rajah; but in paragraph 22, the Board speak of deduction to be made in 1873, half of which year refers to Fasli 1282, and the remaining half to the current Fasli 1283. It will be necessary for the Board to decide definitely from what fasli the deduction should begin.

14. In paragraph 20, the Board call for information as to how much of the amount payable to the Rajah of Venkatagiri should be paid from the Road Fund. In their Proceedings, No. 1,583, dated 22nd July 1873, passing orders on the claims for compensation on account of Ryotwari lands taken up for the same works, viz., the Venkatagiri Road, Chinnur Channel, and the East Coast Canal, the Board sanction the payment on account of the Venkatagiri road from the Local Fund, and recommend the other two items to Government for sanction. The same course should, I think, be followed in regard to the claims of the Rajah.

Enclosure No. 1.—Statement.

Statement to Government with reference to Board's Proceedings, No. 1,583.

2. The Board have no doubt that their view of the law is correct. Act 42 Schedule 1 of the Limitation Act obviously refers to cases in which compensation is legally determined as for instance under the Land Acquisition Act.

3. The same error which the Board remarked on before is found in the copy now forwarded of Statement No. 2. Acres 9·26 of land assessed at Rupees 6-10-5 are Rupees 1-11-11 as calculated in the Statement.

4. The Collector is right in paragraph 6. The sum which should be paid to the Zemindar of Calastry on account of loss of assessment is Rupees 971-14-5 not Rupees 819-3-3.

5. The Board cannot understand the statement given in paragraph 7, though they would probably be able to do so if Statement B were before them. The land dealt with is divided into three totals, and there is nothing to shew to what each total refers.

6. In paragraph 3, the Collector argues that as land unoccupied when taken by Government might have become occupied afterwards, and as the Rajah would have had the assessment of such land deducted from his peishcush in full, if the matter had been settled then, the assessment should now be repaid for past halies. On reconsideration the Board agree with him. The claims are not like those referred to in paragraph 6 of the Board's previous Proceedings which require to be treated differently.

7. Under the circumstances detailed by the Collector in paragraphs 9—12 the Board think he is right as to the Rajah's claim to have the full assessment on Inams deducted from his peishcush.

8. The Board think that the deduction from peishcush in the case of both Calastry and Vencatagiri should begin from Fasli 1282.

9. The payment of Rupees 815 due to the Vencatagiri Rajah for the Vencatagiri road is sanctioned from the Road Fund Reserve of the Nellore Circle.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
(and one original Statement), to be returned.

" the Collector of Nellore.

Copy to the Accountant-General.

Exd. J. A. Twem.

No. 6,733.

Proceedings of the Board of Revenue, dated 8th September 1869.

Read the following letters:—

From J. A. C. BOSWELL, Esq., Acting Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 30th October 1868, No. 3,943.

In his letter dated 22nd September 1863, No. 16, the Rajah of Venkatagherry claims a permanent remission from his Peishcush of Rupees 3,142-3-9, and payment of Rupees 6,798-11-0 in addition, on account of his lands appropriated from time to time for public purposes, without any compensation being paid.

2. The details of the land on which permanent remission is claimed, are entered in the following abstract, prepared from Statements marked A and B., furnished by the Rajah:—

Year.	Dry.			Mulch.			Zarib.			Waste.			Total.		
	Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.	
		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.
Purposes for which the land was taken up.															
Bund and channels	110033	357	14 6	12705	110	10 6							122738	468	8 0
Avenue trees	2940	89	12 0	1474	14	3 6							4414	104	15 6
Chennai Reservoir	648	1	8 0	2251	143	11 6							2899	145	3 6
Total	113777	448	15 6	16430	268	5 6							130207	717	13 0
Balance of land on which assessment is to be paid by ryots, etc.	32270	1,215	10 10	3,613	111	13 6	3,357	63	2 6	5,10,000	3,343	3 6	5,45,240	4,733	6 4
Total	146,048	1,664	10 4	20,043	380	3 0	3,357	63	2 6	5,10,000	3,343	3 6	5,75,447	5,451	3 10

Year.	Dry.			Mulch.			Zarib.			Waste.			Total.		
	Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.		Acres.	Assessment.	
		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.		Rs.	A. P.
1	7														
2	5			12-05	6	7 10							17-05	6	7 10
3	9			6-84	3	4 0							6-84	3	4 0
4	11			6-48	3	2 6							6-48	3	2 6
5	12	2	4 10	41-90	20	12 0							54-02	22	12 10
6	15	0	4 10	29-18	10	0 0							44-18	15	0 10
7	98	10	4 10	47	2	3 6	4	1	2 6				149	53	15 10

3. The lands in this estate have not been assessed. The assessment is said to be calculated with reference to the yield, etc., of the past years. No comparison between the latter and the beyond the permanent remission referred to. The average rate per acre calculated from the assessment, entered in the foregoing abstract for the several descriptions of land, are given below for information:—

Dry	... ...	Rs.	2 4 9
Wet	... ...	"	5 12 7
Mulum	... ...	"	5 5 4
Zarib	... ...	"	15 10 10
Waste	... ...	"	0 12 2

The total amount of assessment compared with the total area, is Rupees 3-5-6 per acre. The "Mulum" and "Zarib" are what are called "Garden lands," in the Government villages. The rate for "Zarib" lands, is very high, but the extent involved is only 3·27 acres.

4. The details of land on which payment of Rupees 6,798-11-0 is requested as compensation without any deduction from the Peishcush, are given in a Statement marked C, furnished by the Rajah. The following is an abstract thereof:—

	Total.		Zarib.			Mulum.			Dry.			Wet.			Porumboke.			Remarks.
	Assessment.	Acres.	Assessment.	Acres.	Acres fresh.	Assessment.	Acres.	Acres fresh.	Assessment.	Acres.	Acres fresh.	Assessment.	Acres.	Acres fresh.	Assessment.	Acres.	Acres fresh.	
	Rs. A. P.		Rs. A. P.			Rs. A. P.			Rs. A. P.			Rs. A. P.			Rs. A. P.			
1. Cattle Pounds	1 8 1	5·54	0 9 4	0·43	...	...	...	...	1 7 11	4·11	...	...	...	...	...	0·64	...	
2. Police Stations and Lines	3 10 6	1·54	...	...	...	...	...	...	3 10 6	1·54	...	...	...	...	...	0·72	...	
3. Abkarry Stills and Shops	1 15 ...	1·49	...	...	...	...	...	...	1 15 ...	1·49	...	...	...	...	...	0·69	...	
4. Travellers Bungalows	5 2 9	2·13	...	...	...	...	...	...	3 13 7	2·03	...	1 4 2	0·10	...	...	0·0	...	
5. Stores of the D. P. W.	2 3 ...	0·59	...	...	...	...	...	...	2 3 ...	0·58	...	...	...	...	...	...	...	
6. Roads and their Channels	.....	53·73	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	0·1	...	
7. Channel from Chunnar	.....	13·93	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	13·93	...	
8. Gravel pits	35 4 5	8·91	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	0·57	...	
9. Fee for D. P. W.	111 5 9	30·14	.....	...	...	.....	...	...	99 10 2	26·34	...	11 9 9	0·72	22·34	.....	4·90	...	
10. Sites of new Channels	.....	365·36	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	1·61	36	
11. Land for Sale Godowns	9 6 8	107·94	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	138 2	...	
12. Silk Worms and Farm	.....	25·10	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	25·10	...	
13. Light House	.....	3·83	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	3·83	...	
14. Avenue Trees	9 7 6	1·29	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	1·29	...	
15. Salt Chokeys &c.	.....	0·58	.....	...	...	.....	...	...	.....	...	...	.....	...	...	.....	0·58	...	
Total	172 5 11	827·29	0 9 4	0·43	...	0 7 6	0·21	...	125 1 8	37·45	...	12 6 10	0·82	22·34	.....	79·73	...	
Average per acre	0 3 4	...	...	...	...	...	...	...	3 5 6	...	...	15 8 6	...	...	.....	...	...	

5. The total extent involved is 827·29 acres, the greatest portion of the land is Porumboke. The Rajah claims money payment once for all at Rupees 8 per acre, amounting to Rupees 6,618-5-0, which, together with Rupees 180-6-0, being the price of 279 trees on the land taken up, make up the sum of Rupees 6,798-11-0 referred to.

6. Items No. 7, and 14 being lands taken up for the Chunnar river channel, and avenue trees are also to be found in the abstract annexed to paragraph 2. But it will be seen, that in this case only "Porumboke" land is shown, while in paragraph 2, the land entered is the land cultivated and waste. It seems, therefore, that the Rajah claims permanent remission on lands fit for cultivation, taken up for roads, channels and avenues, while in the case of lands taken up for Cattle Pounds, and such minor purposes, a lump payment is requested.

7. The land required for avenues, is generally on the road side. As the ryots of the Rajah's villages have the benefit of the trees, I doubt whether the Rajah's claim can be recognised.

8. Item No. 3 being land taken up for the Abkarry Stills and Shops, does not appear to be a claim against Government. The stills and shops are private property with which Government have nothing to do, and the Rajah has to settle with the owners thereof.

9. The time at which the lands in question were taken up is not given, I have no doubt that in some cases, the appropriation took place many years ago. The Statements furnished by the Rajah purport to include lands taken up, up to the end of Fusly 1277.

10. The Rajah has furnished detailed accounts, consisting of one Dufter and Plans of the land. These accounts relate to the land in the southern portion of his estate only, consisting of the talooks of Venkatagherry, Polur, and Sagutur. He is collecting similar information for his northern talooks, and proposes to submit them as soon as the measurements are made.

11. The accounts now furnished have to be checked by the local Revenue Officers and the Department Public Works. The latter has to certify to the extent, and the time of appropriation as regards lands taken up for roads and channels, etc. And the Revenue authorities have to see the assessment entered by the Rajah is a fair valuation, and at the same time make sure that no compensation was paid at the time.

12. Before ordering any such inquiry, I request the instructions of the Board as to the admissibility or otherwise of the Rajah's claim in regard to lands taken up several years ago, as in some cases, the Board have held the lapse of time as a bar for claiming compensation. *Vide* Board's Proceedings, dated 30th August 1866, No. 6,187.

13. In this case being a claim laid by the Shrotriemdars of Hissavavilotipad in the Nellore District, on account of their lands taken up for the Krishnapatnam road ten years ago, the Tahsildar recommended a deduction being made from the quit-rent equal to the assessment of the land concerned, with retrospective effect from the time of appropriation. (*Vide* paragraph 10 of Mr. Dykes' letter recorded in the above Proceedings.) Holding the Shrotriemdars responsible for the delay, Mr. Dykes was not disposed to support the Tahsildar's recommendation to give retrospective effect (*Vide* paragraph 11.). But the Board declined to entertain the claim altogether.

14. In another case reported by Mr. Dykes in his letter dated 17th August 1863, No. 254, the Board remarked that the lapse of time was fatal to the Inamdar's claim. *Vide* Board's, Proceedings, dated 26th September 1866, No. 6,913.

15. In the same Proceedings, the Board authorised Mr. Dykes to dispose of another claim of 1859, observing that the claimant's "delay might possibly bar any claim for loss of produce between 1859, and the present date."

16. Under these circumstances, I request the Board's definite instructions as to whether the Rajah's claim may be admitted and investigated. I am of opinion that the Rajah is entitled to a deduction from his Peishcush and to receive a fair value for land on which no such deduction is claimed. The lapse of time can only affect his claim for past year's loss, which is not, however, claimed now.

(True Copy.)

(Signed) J. W. B. DYKES,
Collector.

From J. W. B. DYKES, Esq., Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 7th January 1869, No. 34.

In his letter, dated 9th September 1868, No. 3,186, Mr. Boswell requested the Assistant Engineer, Nellore Range, to remit a sum of Rupees 264-7-7 being the compensation payable to the Rajah of Venkatagherry on account of certain lands of his Zemindary taken up for the Krishnapatnam road and canal.

		rs.	A.	P.
Krishnapatnam road		225	11	10
Do.	Canal	38	10	9
Total		264	7	7

2. The land for the canal having been taken up in 1863, the Assistant Engineer has remitted the sum of Rupees 28-10-6 appertaining thereto, for disbursement to the Rajah.

3. As regards the amount due for the land taken up on account of the road, the date of appropriation is unknown. And the Superintending Engineer in his letter dated 17th November 1868, No. 111, states that as the land was taken up many years ago, and there are no funds available in his department, the application must be made to Government.

4. In his letter dated 30th October 1868, No. 3,943, paragraph 6, Mr. Boswell has requested instructions for the disposal of such claims. It seems to me that they should not be entertained at all, unless very strong reasons are shown for their not having been made at the time.

(True Copy.)

(Signed) J. W. B. DYKES,
Collector.

The Zemindar's claims on account of land taken up for Abkarry Stills and Shops and for Avenues are altogether inadmissible. Some of the remainder may be deserving of consideration, but when they are of more than twelve years' standing, the Board will not recommend Government to grant compensation.

(True Copies and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Collector of Nellore.

Edd. C. A. Torton.

1869.
21 FEB 22
MADRAS.

No. 2,120.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd May 1871.

Read again Board's Proceedings, dated 8th September 1869, No. 6,733.

Read also the following letters:—

From W. S. WHITESIDE, Esq., Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 31st May 1870, No. 222.

I have the honour to enclose 3 Statements, marked A, B, and C, showing the particulars of lands taken up in the Calastry Zemindary on account of a local road from Calastry to Tripathy Railway Station.

2. The lands in question were measured and arranged according to their respective classes, by the Sub-Magistrate of Calastry. The total extent according to his measurement shows a deficiency of Acres 2·48 with the aggregate extent entered in the Statement furnished by the Engineer Department, and the Account now submitted was prepared from the latter.

3. The number of Ain villages from which land was taken for the line in question is nine.

4. Lands were also taken from eight hereditarily possessed Shrotriem villages, six of the Shrotriemdars paying an annual Jodi to the Zemindar as given in the margin, and the remaining two enjoying them rent-free.

	rs.
Isikathayal	61
Pendaginoodu	250
Pothumangamma	24
Venkatapuram Agraram	21
Mangamma Agraram	31
Rachagoundey	40

5. Lands were also taken from two Amaram villages which appear to have been granted for service rendered to the Zemindar and enjoyed by the holders rent-free. The particulars of Ain, Shrotriem and Amaram villages are given in Statement A.

6. During the original settlement of the Peishcush of this Zemindary, the heirs of these Shrotrieins not having been deducted from the assets, none of the villages in the Zemindary became under the action of the Inam Commissioner, nor have they been enfranchised by him, and therefore the proprietary right rests with the Zemindar as owner of the soil.

7. An extent of Acres 1·29 of land assessed at Rupees 22-3-3, being sundry Inams, was also taken for the line under notice.

8. Statements A and B exhibit assessment on dry and wet lands. The collections on the former, it will be observed, make no difference between the Sistrate and the rate of collection except in the Shrotriem villages of Venkatapuram, where the collection is made at the rate plugged against it, because the revenue is invariably paid in cash at a fixed uniform rate. The case is different in the collections on wet lands which show some difference, the assets being paid in kind, and as the rates then ruling, the value of grain cannot well be determined from the fluctuation to which it is invariably subjected, and the Sistrate of collection never being observed and as proposed by Mr. Robinson, the last 10 years average rate of collection may be calculated for fixing the amount of compensation.

9. The unassessed waste for cultivation has been assessed at the same rate as exercised upon the land lying in its neighbourhood.

10. With respect to the Pattahuks until for cultivation no rent has been fixed by the Zemindar, the area taken up being but very insignificant, viz., Acres 0·0 or to 50 in extent.

11. The compensation I now recommend to be paid to the Zemindar consists therefore of a permanent reduction from the Peishcush from Fasly 1279 upwards to the annual loss of revenue sustained by him and the refund of a sum equal to the aggregate amount of revenue which would have accrued to the Peishcush already paid by the Zemindar to Government on the lands in question, from the period of their appropriation up to the end of Fasly 1279.

12. The following is an abstract of Statements A. and B., showing the permanent reduction to be made from the Peshcush payable by the Zemindar of Calastry :—

Description.	Assessment.								Amount of compensation claimed by the Zemindar.		
	Area of land taken up.		According to Sist rate.			Average amount of ten years collection.					
1	2		3			4			5		
	acres.	cents.	rs.	a.	p.	rs.	a.	p.	rs.	a.	p.
Cultivated lands	63	53	358	14	5	548	10	3	10,972	13	0
Unassessed waste	14	75	25	1	7	30	12	11	619	2	4
Unassessed waste fit for cultivation	21	54	53	12	0	80	0	3	1,600	3	4
Poramboke lands unfit for cultivation	...	38	...	...	...	...	...	...	...	...	...
Sundry lands	1	29	16	2	6	22	8	8	450	13	4
Total ...	84	69	453	15	6	682	0	6	13,640	0	0

13. Under these circumstances, I submit sanction for permanently remitting the sum of Rupees 682, as shown in column 4 of the above abstract from the Zemindar's Peshcush for Fasly 1280, whilst with forecast to be in future reduced to Rupees 1,80,317.

14. The appropriation of the lands in question having taken place at the commencement of Fasly 1271, the Zemindar is entitled to the payment of Rupees 7,32,196-6, with interest as provided in instructions printed Q, and provided for in the Budget of 1870-71.

15. It will be seen that for Faslies 1273 and 1276 interest has been calculated at the rate of 12 per cent. previous to the Arrears Recovery Act II. of 1864 coming into force, and at the rate of 9 per cent. since that date. The amount for each Fasly is shown from the beginning of the Fasly following.

16. The sum of Rupees 13,640 stands as compensation by the Zemindar in Rupees 13,640, as will be seen in column 5 of the abstract given above. This is an inadmissible, as Government had declined under similar circumstances to pass the compensation claimed by the Carvetinagger Zemindar, as per Board's Order, dated 5th August 1865, No. 384, communicated by the Board in their Proceedings, dated 6th August 1866.

17. Further I consider it due to prevent to the Zemindar that in every case where land has been taken from either Shrotriemdar, Amaramdar, or Petty Inamdar, he should deduct an equal assessment levied upon such lands in the same way that Government deduct from the Zemindar's Peshcush ten annas or assessment levied on Inamdar lands, or to grant fresh lands in lieu, if it be found impracticable to make a deduction in the fasly payable to the Zemindar.

18. I submit it has been for the protection of the Zemindar's people, and the district generally, the Carvetinagger Zemindar has several Peons under service, and the Circuit's experience in getting even effects without these accounts, this regret should have some forward some time ago.

Accompany Nos. 1 to 3.—Statements.

From G. W. Hudleston, Esq., Officiating Collector of Nellore, to the Acting Secretary to the Board of Revenue, dated 30th September 1870, No. 2 959.

In reply to Proceedings dated 30th September 1869, No. 2,017, the Board passed orders on the claim of the Raja of Venkatagherry for compensation on account of lands taken up for occupation by the purchaser from time to time, Court ruling that the claim for lands appropriated for the Abkarry shops and stills as well as avenues was altogether inadmissible and that they will not recommend Government to grant compensation in cases of claims of more than twelve years standing.

2. On receipt of those Proceedings, the late Acting Collector Mr. Melville, considered it undesirable to request the Department Public Works to examine the lands in question as they could not afford to undertake the examination of so many cases without special and or with any prospect of early settlement. In the meanwhile, the Rajah of Venkatagherry furnished* the details of his measurements for the lands taken up in his Northern Taluk, comprized in the Sub-division. Abstracts of the Accounts furnished by the Rajah were prepared in this office, with reference to the Government Talooks and Zemindary Divisions to which the lands relate, with a view to entrusting the inspection and examination thereof to Revenue Inspectors and Gumastahs on behalf of Government with the aid of the Rajahs' Establishment. The following distribution was made:—

* Letter dated 2nd September 1869, No. 743,045, with one Packet of enclosures.

Talooks and Divisions to which the lands relate.

Venkatagherry Division	Gumastah Amancherla Lakshmayya, Revenue Inspector Chenkammiah Lakshmiah.	Of Rajah Taluk.
Tolar Division	Revenue Inspector Murari Subba Row ... ... Gumastah Patel Seshayya	Of the Gudur Taluk.
Gudur Taluk	Revenue Inspector Chatter Appaya	Do.
Kanigeri Taluk ...	1 Do. Pokala Ramaswamy Sayadu ... 2 Inspector P. Narasinga Row ... ... 3 Do. Tolar Raghavaya	Of the Kanigeri Taluk, Do.
Podile Division	Gumastah Tankasala Narayana Row ... ... Head Gumastah Vavvilapati Lakshmi Narasimha ... Gumastah Pethuru Venkataramanaya	Do. Of Podile
Ongole Taluk	1 Addanki Venkata Narasimmaya, Taluk Sheristadar of Ongole. 2 Amancherla Venkataramanaya, Gumastah of Ongole.	
Darsi Division	Tadakapalli Narayana Row, Deputy Tahsildar. Kasiraju Narasimha Row, Head Gumastah ...	

2. The Tasildars of Gudur and Kanigeri Talooks and the Deputy Tahsildars of Venkatagherry and Podile were directed by Order, dated 19th October 1869, to get the examinations completed by their subordinates as above shown, and a docket No. 2,022, dated 30th October 1869, was issued to the Sub-Collector for similar arrangements in the Sub-Division. The Board's orders were communicated to the Rajah on the 19th October, requesting him at the same time to direct his Amin to render the requisite aid in completing the measurements on behalf of Government.

4. The result of the inspection and examination made with reference to the above arrangements, have been submitted with the reports noted below:—

(1) Area from Deputy Tahsildar of Darsi, dated 6th November 1869, No. 134,582.
(2) Area from Deputy Tahsildar of Podile, dated 18th January 1870, No. 179,852.
(3) Area from Deputy Tahsildar of Venkatagherry, dated 29th January 1870, No. 4,932.
(4) Area from Tahsildar of Kanigiri, dated 4th March 1870, No. 5-719.
(5) Area from Tahsildar of Ongole, dated 4th May 1870, No. 9-1 340.
(6) Area from Tahsildar of Gudur, dated 10th August 1870, No. 502-2 474.

5. I beg to enclose five Abstracts marked A, B, C, D, and E, as detailed below:—

A.—Shows the details of lands on which permanent reduction from the Peshcush is claimed.

B.—Shows the details of the lands the irrigation of which was interrupted, permanent reduction from the Peshcush equal to the difference between the wet and dry rate being claimed on such lands.

C.—Shows the details of lands on which improvement is claimed in full of all demands.

D.—Shows the value of trees claimed.

E.—Shows the details of lands according to the year in which they are reported to have been appropriated.

6. In his letter, dated 26th January 1870, No. 16, the Rajah states that the delay in the settlement of the claim for the lands in question is not attributable to him as the letters addressed by him from time to time when the lands were appropriated remain unsettled. He submits a list of letters addressed by him, copy of which marked F. is enclosed, with an abstract of the contents of such of them as have been found in the Huzoor records. Those for which no purport is entered have not been found, they are probably included in the Dufter of old records marked for destruction when the records were recently arranged. It will be seen that in the letters which have been found, the Rajah referred to the loss caused on account of lands taken up, and laid claim to compensation remarking that he invariably contributed to Government the lands required for public purposes but that no compensation was paid.

7. The claim for compensation laid on account of the lands recently taken up for the Chennur Channel, the extension of the East Coast Canal and the Vencatagherry road, has been excluded from the Statements now prepared, as the question of compensation for such lands has been the subject of special correspondence with the Department Public Works and the Tahsildar. Those claims will be reported on separately on completion of the inquiry which has already been instituted.

8. It appears that some of the Rajah's lands in the village of Timmasamudram, in the Ongole Taluk, and in the village of Sirimal, situated within the limits of the Kistna District, were appropriated for the Delta channels of the Kistna District. The lands in Timmasamudram have been examined and included in the Statement, but the lands of Sirimal have not been examined and have been excluded from calculations.

9. The lands taken up for the Abattery (hops) and Stills as well as avenues, have been also excluded, as directed by the Board.

10. The following is an Abstract of the Statements marked A, B, C, and D.—

The cases of resumption.

	As per Statement A.			As per Statement B.			Total.		
	Acs.	Rs.	A. P.	Acs.	Rs.	A. P.	Acs.	Rs.	A. P.
Total extent as per Rajah's statement	1,998·12	3,768	6 11	485·00	2,332	4 7	2,500·78	6,111	11 6
Deduct (remove cases not liable to resumption)	410·89	1,092	14 7	61·71	309	10 8	502·60	1,401	9 1
Remainder	1,587·23	2,676	6 4	423·29	1,992	9 11	1,998·18	4,709	2 5
Deduct lands not assessed	458·31	1,050	5 2	159·01	607	10 4	617·65	2,656	15 6
Remainder assessed	729·02	1,720	2 4	137·01	1,384	13 7	866·23	3,025	8 11
Result of examination	207·14	2,800	15 6	150·87	1,010	11 0	347·43	3,810	8 6
Deduct as fit for cultivation, etc.	44·13	64	3 5	50·57	587	14 0	94·70	677	2 2
Remainder	161·01	1,936	12 1	100·02	767	12 3	252·73	3,133	6 4
Add items not examined	37·01	70	0 5	125·01	862	10 4	731·05	1,801	15 6
Total	1,140·15	2,804	10 9	225·03	1,455	6 7	365·68	4,295	5 10

Lump payment.

	As per Statement C.			As per Statement D.			Total.		
	Acs.	Rs.	A. P.	No. of trees	Rs.	A. P.	Rs.	A. P.	
As per Rajah's return	889·85	7,118	12 9	334	231	2 0	7,349	14	9
Deduction of Chennur, etc.	212·90	3,703	3 2	198	116	13 0	1,820	0	2
Remainder	676·95	5,415	9 7	136	114	5 0	5,529	14	7
Not examined	14·90	4,110	3 2	65	61	5 0	4,170	8	2
Remainder examined	162·05	1,296	6 5	71	63	0 0	1,359	6	5
Result of examination	136·87	1,094	15 8	124	121	10 0	1,216	5	5
Deduct as fit for cultivation, etc.	66·71	533	10 11	55	58	2 0	591	12	11
Remainder	70·16	561	4 6	66	63	8 0	624	12	6
Add items not examined	514·90	4,119	3 2	65	51	5 0	4,170	8	2
Total	585·06	4,680	7 8	131	114	13 0	4,795	4	9

11. The claim of the Rajah for a permanent reduction from his Peishcush to the extent of Rupees 2,633-6-4 has been examined and his claim for a further reduction of Rupees 1,604-15-6 has not been examined, the total of these two items being Rupees 4,238-6-10. The claim for a lump payment of Rupees 624-12-6 has been examined, and the claim in respect to Rupees 4,170-8-2 has not yet been reported upon. The total lump payment amounting to Rupees 4,795-4-8.

12. The items which have not been examined relate to the Polar Division and three villages named Tirumalapudi, Sitammapuram and Vengamambapuram, which were included in the list sent to the Vencatagherry Division for examination. The examination of the lands in Polar Division has been almost completed, but the result has not yet been reported, pending the completion of the examination. The three villages referred to do not belong to the Vencatagherry Division and the lands of these villages have not been examined by the parties employed to measure the lands of that division. Orders will be issued for completing the examination in all these cases.

13. The Board have laid down that the claims of more than twelve years standing are inadmissible. Statement E. shows the details of the years in which the lands were taken. The Board will observe that the amount of permanent remission refers chiefly to years 1845, 1853, 1854, 1859 and 1862. The leases from which lump payments claimed refer to 1861.

14. The rate of Rupees 6 per acre on lands entered in Statement C, is arbitrary and heavy. The Ramgiri Tahsildar thinks that Rupees 4 per acre may be granted. Considering the value of the lands in that part of the district where several enfranchised lands are sold for assessment purposes at a nominal price, the rate recommended by the Tahsildar is quite out of proportion. The other Tahsildars of Deputy Tahsildars cannot be expected.

15. The Rajah's Gumastah declined to sign the measurements prepared by the Ramgiri Tahsildar, alleging that the measurements made in that taluk were inaccurate. In the remaining taluks the measurements were agreed to by the Rajah's subordinates.

16. The average rates of the lands on which permanent remission is claimed are given below. The rates in each village differ. As the details of these rates can not given, it would be a tedious task to find out the average in each village by dividing the assessment by the extent

Goolwek. Judging from the average rents the valuation may be accepted, as the Zemindary ryots generally pay a heavier assessment than Government ryots, and no rates are not much above the average rates of Government villages:—

	Dry.	Wet.	Mulum.	Zarab.	Waste.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Land examined ...	1 15 5	8 3 7	5 0 11	0 10 0	0 15 5
Do. not examined	2 5 11	2 12 2	4 13 10	... ...	0 11 5
Total ...	1 13 3	6 14 10	5 1 3	0 10 2	0 13 3

17. The question to be decided is the period for which compensation is due. It is difficult to decide from which year the limitation of twelve years should commence. The Rajah's claim dates after the lapse of twelve years from the time the appropriation was made, but he rejected as to Board's orders it is impossible to ascertain accurately the time of appropriation and the time when the ryots laid in the first instance. The years given by the Tahsildars can only be approximate, as in this district of land where most of the old records have been partly destroyed and partly worked up with useless papers, it is hopeless to attempt any examination on these points.

18. Lands comprised in Statement C. are not included either in A. or B. Statement. The Rajah seems to have claimed a large payment on lands in C. Statement, as the extent of cultivated lands enlarged greatly in boring and the Poruchekur lands are under the cultivation.

19. It seems to me that the best way of avoiding the difficulty is to reserve for the claim for compensation between, on the lands included in A. and B. Statements after the examination is completed, giving them to the assessed from Fasly 1287, when our Malik terminates the details of his engagement with the Ryot as mentioned above. This proposal would be in accordance with the Board's views expressed in their Proceedings dated 12th August 1865, No. 3344, referred to by Mr. Powell, in paragraph 14 of his letter recorded in the Proceedings under reply, viz., that the issue of claim be the date for new rents.

20. I do not think any compensation should be awarded for trees, as the Rajah can enjoy the rents and fruits as he would do if the lands on which they stand had not been taken up. As regards the claim for wells, I think if there is sufficient cause it should be allowed.

21. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

Enclosure No. 1 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

I have the honor to acknowledge the receipt of the Board's proceedings, dated 12th August 1865, No. 3344, referred to by Mr. Powell in paragraph 14 of his letter recorded in the Proceedings under reply, viz., that the issue of claim be the date for new rents.

2. I do not think any compensation should be awarded for trees, as the Rajah can enjoy the rents and fruits as he would do if the lands on which they stand had not been taken up. As regards the claim for wells, I think if there is sufficient cause it should be allowed.

3. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

Enclosure No. 2 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

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Enclosure No. 3 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

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3. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

Enclosure No. 4 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

I have the honor to acknowledge the receipt of the Board's proceedings, dated 12th August 1865, No. 3344, referred to by Mr. Powell in paragraph 14 of his letter recorded in the Proceedings under reply, viz., that the issue of claim be the date for new rents.

2. I do not think any compensation should be awarded for trees, as the Rajah can enjoy the rents and fruits as he would do if the lands on which they stand had not been taken up. As regards the claim for wells, I think if there is sufficient cause it should be allowed.

3. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

Enclosure No. 5 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

I have the honor to acknowledge the receipt of the Board's proceedings, dated 12th August 1865, No. 3344, referred to by Mr. Powell in paragraph 14 of his letter recorded in the Proceedings under reply, viz., that the issue of claim be the date for new rents.

2. I do not think any compensation should be awarded for trees, as the Rajah can enjoy the rents and fruits as he would do if the lands on which they stand had not been taken up. As regards the claim for wells, I think if there is sufficient cause it should be allowed.

3. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

Enclosure No. 6 to letter from the Rajah of Vizianagaram, the Collector of Vizag.

From W. S. WHITE, Esq., Assistant Secretary, North Arcot, to the Acting Secretary to the Board of Revenue, dated 3rd May 1879, No. 340.

I have the honor to acknowledge the receipt of the Board's proceedings, dated 12th August 1865, No. 3344, referred to by Mr. Powell in paragraph 14 of his letter recorded in the Proceedings under reply, viz., that the issue of claim be the date for new rents.

2. I do not think any compensation should be awarded for trees, as the Rajah can enjoy the rents and fruits as he would do if the lands on which they stand had not been taken up. As regards the claim for wells, I think if there is sufficient cause it should be allowed.

3. In case of the Zemindar's claim to these points, the assessment will be fixed with reference to the rental of the intermediate years Fasly and the three villages entered as

Exhibits Nos. 1 to 5.—Abstract Statements.

3. The total amount claimed by the Zemindar is Rupees 69,131-14-9, upon Cawnies 126-7-1 of land which is the total extent taken up for the above roads, and this is composed of the items particularized below:—

	Rs.	A.	P.
1. Refund of assessment from Faslies 1274 to 1280	17,092	6	4
2. Interest at 6 per cent. per annum	3,070	9	9
3. Amount of compensation for wells, trees, etc.	127	8	0
4. Value of proprietary right lost in the land, equal to twenty times the assessment	48,835	6	8
Total ...	69,131	14	9

4. This figure represents the actual cash claimed by the Zemindar to be refunded to him at once. Besides this, he claims a permanent annual reduction of Rupees 2,441-12-4, in the Peishcush of Peishcush payable by him upon the entire estate on account of the same lands so taken up for roads.

5. The Zemindar's claim under Item No. 4 is simply absurd, for it is indisputable that his entire estate, or at least a great portion of it, must have increased in value by the construction of the two important roads in question, which were not laid out, as the Zemindar appears to suppose for the exclusive benefit of Government.

6. If we are hampered by exorbitant claims of this nature for every inch of land that is required for roads either in Zemindary estates, or in Railway lands, there can be no doubt that road-making must become a matter of much difficulty. It is, I think, preposterous to confer a great benefit with one hand, and with the other, pay the recipient of the boon for the acceptance of the same. The chief difficulty in the matter of public works in this country arises from the growing demands for compensation put forward by land-holders, who, as a class, persist in shutting their eyes to the benefits conferred upon them by such roads, and viewing their construction simply as a matter of State necessity productive of no profit or advantage to themselves, and therefore, to be handsomely paid for.

7. I, therefore, strongly deprecate compliance with the present claim, which would create a most inconvenient precedent in the district, and which is, moreover, unreasonably large. If, however, the Board should consider that the Zemindar is deserving of compensation to some extent, I would recommend the refund of the amount specified in Statement No. 5, enclosed, and the reduction of the assessment charged upon the cultivated land actually taken up in the roads from the annual Peishcush payable by the Zemindar upon his estate.

8. I regret the delay that has taken place in the disposal of this case, while the Zemindar has not been slow to take advantage of, and owing to which he has been enabled to charge interest upon the sum alleged to be due to him, and which the Board will perceive forms an inconsiderable item in the total amount of his claim.

9. The delay can scarcely be traced to any particular person, as the case passed through several officers' hands from the date of its institution. I can only inform the Board that the papers were finally received in this office about 10 days ago.

Enclosures Nos. 1 to 5.—Statements.

These papers refer to claims by the Zemindars of Calastry and Vencatagherry to compensation on account of land taken up for public purposes.

2. In May 1870 the Collector of North Arcot submitted the following claims of the Zemindar of Calastry on account of a road from Calastry to the Tripathy Railway Station :—

	Rs.
Annual reduction of Peishcush	682
Refund for past years	6,138
Interest thereon	1,506
Compensation	13,640
	21,374

3. The Collector suggested that the item for loss of occupancy rights ought to be disallowed in accordance with Government Order, dated 5th August 1865, No. 984.

4. The Collector has just submitted further claims by the same Zemindar on account of the roads from Vellore to Veraniambatty and from Calastry to Naickpett, viz. :—

	Rs.
Annual reduction of Peishcush	2,442
Refund for past years	17,082
Interest thereon	3,077
Compensation for wells and trees	128
Do. for land	48,855
	69,142

5. Mr. Wheeler considers the claim to compensation for land absurdly excessive. The Government Order quoted above seems to apply to it.

6. The Vellore papers show that the Raja of Venkatagiry claims a reduction in Peishcush of Rupees 3,142 and a payment of Rupees 9,799 as compensation. If these claims or any portions of them are allowed another for refunds is inevitable.

7. In entertaining these claims the Collector inquired whether any of them as related to lands which several persons were alienating. The Board answered that some but not all of the Zemindar's alienees were liable to contribution but that 12 years would be a reasonable compensation in any case of more than twelve years standing.

8. From the letter of the 30th September 1870 it appears that the claims have been modified on investigation though not to any great extent, that there is some difficulty in determining as the period of occupation is to be fixed, and that the claims begin as far back as A. D. 1810.

9. Before proceeding further the Board resolve to ascertain the intentions of Government as to whether it makes compensation for land taken up for public purposes and generally for roads in Calastry, if trade agency and Carvemanagarum are to be admitted as all and if so to what extent.

10. The Peishcush of these estates was not fixed with reference to their assets but is a tribute, most of which is a commutation of Military service which the owners were bound to render when the British Government assumed the administration. No compensation has hitherto been paid on account of roads, so that the question has never been decided for the first time, and the papers before the Board show that it is one of considerable importance.

11. Although no compensation has been paid for land taken up on roads it has been given under the ryotwari rule for land taken up for Railways and the Board believe that it is the intention to treat Zemindars in the same way as ryots as soon as they have been heard at length.

12. By Circular No. 21 dated 31st August 1861, No. 1,620, compensation for roads was allowed to the Amirthi Zemindar, a question on a former paper similar in some respects to case of the Zemindar of Calastry and Tripathy but eventually no compensation was paid (see extracts of Revenue proceedings, Fort St. George, dated 10th January 1865, No. 184).

13. The circumstances attendant on the settlement of these Zemindaries make the question how far they are bound to supply land for public roads almost a political question. The Peishcush depends in no way on the extent of land, and the ability to pay it is not diminished but on the contrary is increased where a road is made through occupied land, for the cultivators do not desert the estate but take up land elsewhere within its boundaries. If the demand for compensation can be resisted it ought to be for it is inequitable inasmuch as there has been no loss. It is unnecessary to point out that roads on an estate improve the value of the property immensely and are even more beneficial to the Zemindar than to the public. Up to the present time the Zemindars have been paying nothing to the road cess and have even made a profit out of it.

14. On the other hand the Zemindars hold under Istimrar sunnuds and their rights of property in their estates are at least equal to those of other holders of similar sunnuds.

(True Copies and Extracts.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department,
with twelve original Statements and Board's Proceedings,
dated 8th September 1869, No. 6,735.

the Acting Collector of North Arcot.
the Officiating Collector of Vellore.

Revenue Department

Memorandum

Board's Proc.ds dated 5th July 1873 No 2198.

The Board state that
communications with the principles
laid down in G.O. dated 4th
March 1872 No 897 the Collector
of Nellore declined to refund one
sixth claimed of the Zamindary
for a reinstatement for Lascelles Tollen
for resale Jewelry as it was not within
exclusive grant to the Zamindar
under those principles and
referred to the Collector. The Govt
will direct the Board to move
further. The order in that
Government consider that the
proper principles which should
guide the disposal of such
claims as these they remarked that
first present rather than the grant
was the proper date and
as such in the present

Copy received from the Under Secretary to Government, Public Department, with his endorsement, dated 5th July 1873, No. 2198, for submission to Government, the Board of Revenue having declined to entertain the claim of the Zamindar of Venkatagiri to refund of one-sixth of the peishcush paid by him for the year 1872-73, on account of the resumption of the Tollen grant.

Read 1871, 22nd July

Received 22nd July 1873

MADRAS.

Proceedings 22nd July 1873 No. 2199.

Read

Received

MAY

No. 2199.

2. In the case of the Balcoutta Zamindari (the Chairman's petition apparently) the claims were submitted one for Fasli Kabuliat 1858 - 1868 and 1870. The Zamindar submitted his accounts for these in 1870. But there is nothing to show whether the Zamindar ever claimed any charges for cultivation at the time the Fasli came into Kabuliat or while the accounts were progressing. Should the Zamindar be entitled to interest from a period coincident with reference to the order of 1st October 1868?

3. There is another point requiring notice. The Collector withheld Rs 1,000 from confirmation and has included this amount in the Fasli Kabuliat. The Government in their letter dated 3rd July 1871 No 1015 directed the payment of the

the Collector Government should examine whether any sufficient grounds exist, in cases of the terms of the Zamindars or Chaprasees of compensations hereto fore existing, these claims are for all Fasli's, are regarded hereafter permanent Parmanent Jamabandi Fasli Beingar. The Local Officers were then opinions the effect that confirmation should be withheld these claims for all Fasli's subsequent to 1868 or otherwise whether there should be a deduction between the Cess assessed and those opinions were called in the Govt dated 4th March 1872. The Board have communicated to Parmanent from Parmanent Jamabandi of Government dated 3rd July 1871 withheld for purposes of confirmation

Vide

to strike the Record exclude
Permanent obligation from acts
of incorporation of any kind they
propose to make or maintain
in the Exclusive of the ocean.
marshes and Intermittent creeks and
such as may manifest Canal
Ditching &c as contemplated in
the Resolution for such
case of abandonment in the
case of the former. Where
these the plans for proper
flushing connections to
adjacent high & dry
channel in regard to the
normal level for illegal fish
traps.

5th The Collector is
Commissioned to enforce
only for 2 years Public
1250 cubic yards in the
[illegible]

the removed over furnished
[illegible] and the covered in
removed are accordance with
the spirit thereof and the letter
of the order of Commissioners
dated 4th March 1892, with
the bond and of officers that
the removement that no
deposited land adjacent
from the dredge other
than the dredge
shall be [illegible]
[illegible] and [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]

8. The Rajah claims under the first head exemption from a permanent reduction of Rs 4009-3-3 from the Peishcash, and a temporary reduction for one year of Rs 8 per cent. The collectors Statement of the views expressed by the Board in para 2 and 3 of their Proceedings Read 13 December 1822 No 4 Received in this Office 2 January 1823 declined the claim, from 1822, i.e. Fasly 1232 during the Lease of the Pergunnah and the same decision was passed by the Agent on the Coast in his Letter of 1823 - The Engagements now tendered amounts to a permanent reduction of Rs 4009-3-3 from the Peishcash, and a temporary reduction for one year of Rs 8 per cent. The Collectors Statement of the views expressed by the Board in para 2 and 3 of their Proceedings Read 13 December 1822 No 4 Received in this Office 2 January 1823 declined the claim, from 1822, i.e. Fasly 1232 during the Lease of the Pergunnah and the same decision was passed by the Agent on the Coast in his Letter of 1823 - The Engagements now tendered amounts to a permanent reduction of

Chapter

Reference 1272. 8.3 and a
Survey Enquiry of 1859.
The Board recommend for
discontinuance the footway shewn
although they are not decided
whether the owners of the
land concerned in the Settlement
and consent to the Stopping
up unless an Exchange of
other land can be made from
the Encroachment in favour
of the Parish; but in order
to get rid of the Footway
they are willing to recommend
that the Parish should
be content to give up the
Encroachment in favour of
the Owners of the Land
for the Footway. Should
this not be agreed to
then the Footway
should be retained

and stone yards.

9. The lands included under the second head were taken up in 1868/69 for Coomer Common, East Coast Road and the Brighton Railway Road. The Compensation due to the Parish consists of the freehold declaration of 1½ yds. 8.0 from the Peishawah Farm Early 1282 and of a Hedging of Perches 2984 - 19 - 8 for forty years from Early 1278 to 1281.

10. The Board direct the Clerk to write to the Solicitors to the Owners of the Land and Stone yards, calling their attention to the Resolution of the Board of the 10th Instant and to request that they will inform the Board whether they are willing to accept the Footway shewn on the Plan in exchange for the Encroachment in favour of the Parish, but if not the Board are willing to

assuming that the Land was
all cultivated, recommend
the reduction of Establishment and
Assessment of Land Revenue as
proposed by the Collector.

11. The Board also recommend
the Assignment of the Salaries
and Establishments of the Land
and Sea for three Cruizers
three Luggers four Boats
as proposed by the Board at
an Expence of 2260.

12. The Board remark
that the Comptroller should
keep the Journal more regularly
both the general and Cash
Books of the Office agreeably
to the Rules of 1763 and 1765.

Salaries regulated.

Revenue Dept.

Memo: for Orders on Nos 2682 & 2942.

Pro: Board of Revenue

Compensation for lands in Talaiery Venkatagiri Zemindary taken up for roads and channels. } 5th July & 10th Sept 73, Nos 1788 & 1787

T. Sec 16th Oct 73 8th Sept 73 No 6733

In 1868 the Zemindar of Venkatagherry and subsequently the Zemindar of Talaiery applied to have compensation for lands taken up from time to time for roads, channels &c. The claims ranged from 1818 up to 1869.

2. The Board then remarked that the patchcoach of these Estates was not fixed on the assets but was really a Crédit through Sémaran Jaromdo had been granted.

Vide G.O. 31 Feby 76 No 955

They rejected the claims such as had never been heard of before, and would resist them as inequitable. The Govt told them to consult the law officers whether the claims could be resisted under the terms of the Surrender or on the ground of voyage at all events so far as Prambole and Summerhill waste were concerned.

3. The law officers were of opinion (1) that the Govt had no legal right to resume even waste lands as such right had not been surrendered: (2) that actions in regard of lands taken before the Land Regulation

0 90 4 Leases 72 ob 3rd

00 XX 52

T 18 [illegible]

0 155 Schedule II cl 19

Acquisition Act were barred by the Act of Limitation; (3) that preserving the Lands taken up subsequently to have been taken up under said Acquisition Act, the claims on that account were enforceable as the new Limitation Act made the period of limitation one year from the time the amount of compensation was settled.

4. The Board then thought the claims unequitable. The Inspectors they dealt had been empowered without any reserve on the Surrender to deal freely without limit as to the land that was [illegible]

taken up under any Act
of Parliament as the Commissioners may
deem best only provided they
in making for compensation
and provided that had
it been demanded at the
time money of the country
owned justly not have
been made. They return
provided that only the
Commissioners Engineer
by Law should be given
and they added upon the
Collector of Revenue and
Chief Engineer to determine
upon the claims for
which Compensation should
be given.

5 The Government that
the Commissioners adjudicate
table claims to compensation
and that none should be
admitted not sustainable
by law"

The principle for adjusting of the claims should be "that they must be fixed when the land is first occupied or at least while the work is in progress"

6 The Collectors Letter
now refer to the claims of
the Commissioners of Calcutta
and Kalyan and in giving
the question what claims are
sustainable by law, refer
to "Act V" and to Government for compensation
for land acquired for public
purposes would only be limited
to three years from the date
or exceed the amount to be
assessed

50 of Record 72
of 375

6 The Board pay the
only applies to lands taken
under an acquisition Act which
there were not. The funds they
consider would be for an interest
in immoveable property and
such are barred after 12 years'
adverse possession. This can
scarcely sound and in accordance
with the opinion of the law
officers

7 The assessment for lands
falling under the heads
(1) Cultivated
(2) Commenced waste (cultivable)
(3) Boundary, or uncultivable
waste.

In the case of Calastry
the Board allow nothing for (3)
Calastra assessment on (1) & (2)
and on the future acquisitions
by deductions from Purchasers
and propose a lump sum for
loss by assessment on (1) to the
present time with contingent
for ten years on each year's assessment
&c.

9 The Venkatagiri Chief
follow the same principles
but 40 Rs are allowed for 6
acres of Pramboke taken up
for Cattle Pounds, Police Stations
&c and no payment has been
demanded on account of Land assess-
ment on Lands since 1860 they
do not propose any.

† They would grant also to
the Zemindar a deduction from
the Peishcush of the assessment
on Pram Lands as they have
not been settled by the Enam
Department and appear to be
assessable by the Zemindar.

Confirmation to the
Resolutions annexed, but as required to
ordinary holders except a small
item for assessment since destroyed

10 The Reductions and
Payments as finally settled
by the Board appear to be right.
Now. The Pensions to date
effect from the commencement
of Fasli 1282 (July 1872)

* See Lr. to Govt. dated 27th Feb. 1875

† Vide para 3 of letter

† From this date Enamdars were taken

© para 8 of letter

2nd Account deductions

		Payment
Salaries	183	0
Contractors	2080	3792
Insurance		104
Repair Fees		60
Total	2263	4915

On account in part of Bill rendered 7th Feb. 1878 for Fees, Expenses & Disbursements

Dr. to Cash 2019. 5s. 2d. Exp. & Fees 244 Sundries + 61 for Stamps

To Fees 25 Solicitors Bill

To Fees 25 Solicitors Bill

185 Fees 16 Insurance Fees & Disbursements

11. That it be ordered that the Board have authority to the Surveyor, i.e. sending out 878 they attend classes & pass their 12 years standing for certificate the Examination ordered accordingly. The they do so undertaking the indentures & Certificate to them that they attend additional classes which are not required by the Regulations at the time the Examinations are made.

That a certificate in addition to the certificate of Competency be granted to those who have served their articles with Engineers or Surveyors who have not been in practice as Pupils for the full term of five years, but who have been in practice as Pupils for a shorter period, provided that the Board are satisfied that the Pupil has been usefully employed during the whole of the time he has been in practice as a Pupil

Revenue Department.

No. 95

Proceedings of the Madras Government

Under date the 31st July 1873

Read the following Proceedings of the Board of Revenue.

Forwarding Extracts from Orders of Va Cas at Cochin of 1st January 1873 confirming the Sentence of the Principal Sudder Ameen of Calicut in the Suit of Kunhi Moidin Hajee against Chemiko.

Letter from Board of Revenue, dated 5th July 1873. No. 1196.
and its Enclosures, Nos. 1197 to 1199.

Read the following Letter from the Board of Revenue, dated 5th July 1873, No. 1196, and its Enclosures, Nos. 1197 to 1199.

From the Board of Revenue,

To the Chief Secretary to Government.

Sir,

I have the honor to forward herewith, for the information of Government, Extracts from Orders of the Va Cas at Cochin, dated 1st January 1873, confirming the Sentence of the Principal Sudder Ameen of Calicut in the Suit of Kunhi Moidin Hajee against Chemiko.

2. The Suit was instituted by the Plaintiff to recover from the Defendant the sum of Rupees 1,000 with interest, alleged to be due on account of the Defendant's share of the profits of a Vessel called the Ahmedy, which was owned by the Plaintiff and Defendant jointly, and which was lost at sea on her voyage from Calicut to Mocha.

3. The Defendant pleaded that the Vessel was not owned jointly by the Plaintiff and himself, but by the Plaintiff alone, and that he, the Defendant, had only been employed by the Plaintiff as Nakhoda of the Vessel, and had received no profits on account of her.

4. The Principal Sudder Ameen, after examining the Witnesses produced by the Plaintiff, and finding that the Defendant had not produced any evidence in support of his plea, decreed that the Plaintiff should recover from the Defendant the sum claimed, with interest and costs.

5. The Defendant appealed to the Va Cas at Cochin, who, after examining the Witnesses produced by the Defendant, and finding that the Plaintiff had not produced any evidence in support of his plea, confirmed the Decree of the Principal Sudder Ameen.

6. The Plaintiff has now appealed to the Board of Revenue, and has produced before the Board the Witnesses whose evidence was taken by the Va Cas at Cochin, and has also produced a Witness who was not examined by the Va Cas at Cochin.

7. The Board of Revenue, after examining the Witnesses produced by the Plaintiff and Defendant, and after perusing the Proceedings of the Va Cas at Cochin, and the Decree of the Principal Sudder Ameen, are of opinion that the Plaintiff has failed to prove that the Vessel was owned jointly by the Plaintiff and Defendant, and that the Plaintiff has also failed to prove that the Defendant received any profits on account of the Vessel.

8. The Board of Revenue, therefore, recommend that the Decree of the Principal Sudder Ameen be reversed, and that the Plaintiff's Suit be dismissed with costs.

9. I am to request that the Papers may be returned to the Board of Revenue.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed) [illegible]
Secretary to the Board of Revenue.

Ordered, that the Proceedings of the Board of Revenue, and the Extracts from Orders of the Va Cas at Cochin, be returned to the Board of Revenue.