

(1) Number of Pages 58.
(2) Date of repair 3-12-66.
(3) Initials of the Referencer DR

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No.	991.	Press
B.P. No.		Mis.
Dated	6 - 8 - 1874	196 .

Not to be folded or roughly handled

199

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

Read the following :—

No. 61. Proceedings of the Board of Revenue, dated 13th July 1874, No. 1,801.
Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of
Vizagapatam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated
25th June 1874, No. 894.

I HAVE the honor to forward, for the information of the Board and Government,
two letters addressed to me by Dr. Tissot, with reference to Government Order of 8th
May 1874, No. 567, Revenue Department, directing the resumption of the grant of
the Vizagapatam swamp to him for reclamation purposes.

2. It will be observed that Dr. Tissot objects to the grant being cancelled on the
following grounds :—

(1.) That the Collector has never, as directed in G. O., of 7th July 1871,
No. 1,169A, decided on the extent of the swamp to be reclaimed triennially.

(2.) That the first triennial period, even if it commenced on the date of the Gov-
ernment Order, has not yet expired. Dr. Tissot appears, moreover, to affirm that this
period should commence from the time when the Collector fixes the portion to be
reclaimed, which has not yet been done.

(3.) That the Collector has never ascertained by personal inspection that the
extent of land reclaimed amounts to no more than 81 acres, of which 13½ acres have
been brought under cultivation as stated in Major Beatty's letter.

3. He also objects to the opinion expressed by Major Beatty as to the actual
work performed on the ground that it seems to have been based on the information of
his Native Surveyors who did not know the boundaries, and obtained their information
from anybody who happened to be at hand.

4. Dr. Tissot further affirms that the whole swamp has been reclaimed in the
sense of rescuing it from the water, and refers to his letter to the Collector of 3rd
October 1871, (Proceedings of Government, dated 17th March 1869,) to show what he
proposed to do.

5. It will thus be seen that Dr. Tissot joins issue on the correctness of the infor-
mation which was submitted to the Advocate-General, and on which that officer gave
his opinion that the grant could be resumed.

6. It is unnecessary for me to advert to his concluding remarks on the effect the
reclamation of the swamp will have on the harbour mouth, as that question has already
been settled by Government adversely to the scheme.

7. It appears to me, however, that, if Dr. Tissot's objections to the resumption of
the grant given in paragraph 2 of this letter have any legal value, his position is
unassailable, and that Government will either have to obtain the land by amicable
settlement, or take it up under the Land Acquisition Act. Immediately on the receipt
of the Government Order, I informed Dr. Tissot that his grant had been cancelled, and
that all further reclamation works must be at once put a stop to. As he wishes to be
heard further on the case, I have not carried out the Orders of Government to their
full extent by putting the District Engineer in possession of the land until I am in
receipt of their orders on the present appeal for further consideration of the subject.

8. With reference to the question, whether the land has been reclaimed in the
sense for which it was granted, I must state that, if the object was to keep out the salt

water, that purpose has been effectually attained, for I rode over the land the other day, and there were but very few pools of water on it, while the tide water only submerged a small portion at the spot. I have marked in the plan (herewith returned) in pencil with the letters A, B; and, with reference to this portion, I am informed that the reason for letting the water in was, because it was for the present being used for a Bakery. I may further mention that in April or May 1873, the regiment stationed here manoeuvred on the swamp, and that the reason for their not continuing to use the ground for this purpose was, because the salt in the soil spoilt the men's trousers and boots.

9. The Board after perusing the Rev. Mr. Richard's Memorandum were not altogether satisfied whether the reclamation scheme should be put a stop to, and they recommended that the opinions of the Sanitary Commissioner and the Inspecting Engineer for Ports and Communications should be obtained, if possible, after a personal inspection of the ground. With reference to the proposal to cancel the grant, they in their Proceedings of 10th March 1874, No. 527, looking apparently to the legal aspect of the case, saw difficulties in the way of its resumption. It is this doubt of the legality of our action that has induced me to forward Dr. Tissot's letters, and to defer further action, pending the receipt of the Order of Government thereon.

10. Dr. Tissot has stated in paragraph 5 of his letter of the 16th instant that he will be prepared to give up the land for a fair compensation, provided Government do not have recourse to the Land Acquisition Act; and he has verbally informed me that, although he will give up the land if required for a public purpose, he will not relinquish his claims if the grant is cancelled on the ground of his non-fulfilment of its terms, and that in this case he will decline to accept any compensation, and will take the matter into the Civil Courts.

11. I beg respectfully to state my opinion that the most expedient solution of the case would be for Government to hold their Order of the 8th May 1874 in abeyance, and, if they consider the reclamation as carried out detrimental to the harbour, and offering no counterbalancing advantages by the prospect of its permanency, to direct me to arrange for the acquisition of the land by amicable settlement, leaving the question of the fulfilment or non-fulfilment of the terms of the grant open for the present. Of course, I only venture this opinion on the supposition that the objections of Dr. Tissot have legal weight, and because it appears from the papers printed with the Proceedings of Government of 8th May, that the Rev. Mr. Richard's Memorandum was not submitted to the Advocate-General. If, however, the point has been decided by the Advocate-General adversely to his present contention, the Government have the right to cancel the grant, but I much fear that the matter will in this case not be settled without an appeal to the Courts—a result which should, if possible, be avoided.

Enclosure No. 1.

From the Right Rev. Dr. J. M. TISSOT, Bishop and Vicar Apostolic of Vizagapatam, to A. MAC WEBSTER, Esq., Collector of Vizagapatam and Agent to the Governor, dated 9th June 1874.

Have the honor to acknowledge receipt of your letter of the 6th instant, informing me that Government have resolved to cancel the grant made to me of the Vizagapatam swamp. Such resolution, I presume, could only have been caused by an erroneous impression that I have failed to

fulfil the condition of the grant under G. O., dated 7th July 1871, No. 1,169. The condition that was laid down in the said order was that "A certain portion of the swamp (to be fixed by the Collector with the sanction of the Board) was to be reclaimed triennially." Now the Board, fully alive to the difficulty of the undertaking in their Proceedings, dated 30th October 1871, denoted the work to be done triennially in those words: "It is not to be supposed that the Government will show any rigour in the enforcement of the penalty of resumption, if it can be proved that the Bishop has done his best at every triennial inspection of the undertaking by the Collector," and the Collector, therefore, has not fixed any portion of the swamp to be reclaimed for the first triennial period which will expire not before the 7th July next at the earliest. Therefore, you will readily observe that, in the first place, the opportunity to ascertain whether or not I have satisfied the condition of the grant does not offer before the 7th July next, reckoning from the date of the G. O., and, properly speaking, not before three years from the date of fixing the work for the triennial period which has yet to be done.

2. But it will be easy to show that the whole of the swamp is reclaimed in the sense of rescuing it from the water, and, as it is only this I have stipulated to do for the first years, I have more than satisfied the condition of the grant, inasmuch a great part of it is preparing for cultivation, and I beg you will have the goodness to visit the lands and judge for yourself. Your predecessor in office wrote to me: "I intended to visit the reclamation with you, on your return to Vizagapatam, in order to ascertain accurately what work had been performed, and whether the terms on which the land was originally granted had been fulfilled. My transfer, however, from this district prevent the possibility of my doing so before I leave." And again in his letter of the 8th April he says: "I had intended to make a personal inspection, but now I must leave it to my successor."

3. Under the circumstances, therefore, (paragraph 2 of your letter under reply,) my question assuming that the grant can justly be cancelled by my default, I must be unable to answer.

4. I regret to observe that you are prepared to stop any further work; therefore, I discontinue the work on the grant lands, and will only keep such lands in a state of preservation as are required to prevent possible damage to the other lands which I hold in right of purchase.

5. I beg to state that, should the Government require me to give up the grant for any public good which would override the consideration for the health of the town, then I would be open to any reasonable offer if they do not determine to avail themselves of the Land Acquisition Act.

6. In conclusion, I beg you will, at your earliest convenience, favor me with a copy of the G. O. in question, as I am preparing to address them on the subject.

Enclosure No. 2.

From the Right Rev. J. M. TISSOT, Bishop and Vicar Apostolic, to A. MAC WEBSTER, Esq., Acting Collector of Vizagapatam, dated 15th June 1874.

With reference to G. O., dated 8th May 1874, No. 567 (Miscellaneous), a copy of which I have received from you, I beg to state, for the consideration of Government, that the advice of the Advocate-General, upon which Government resolve to instruct the Board of Revenue to inform me that the grant is cancelled, is evidently based upon a statement of the case which Government has been unfortunately led to believe, but which is by no means founded upon fact.

It is believed in the existence of the following circumstances, which I presume, makes it clear to Government that I have not been able to carry out my agreement with them—

(1.) That the Collector did fix a certain portion of the swamp to be reclaimed triennially, and that it was about 47 acres per annum.

(2.) That the first triennial period has already expired, and a first opportunity offered to ascertain whether or not I have fulfilled the condition of the grant.

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

(3.) That the Collector has actually ascertained whether or not the condition is satisfied, and has found that the extent actually reclaimed is 13½ acres, and that my operations have extended to 81 acres.

Now I beg to affirm that not one of the above statements would be correct—

(1.) It happens the Collector never fixed what portion of the swamp was to be reclaimed triennially or annually. The 47 acres mentioned in Mr. Daniel's letter* is the extent that Major Beatty estimated when writing out his report as the area to be annually reclaimed by the simple process of dividing the extent of the grant 1,000 acres by its full term of 21 years.

The Board of Revenue, on my reply to the Collector's inquiry as to what portion I could reclaim annually, well understood, taking a practical view of the matter, how little could be seen during the first years, when embankments and other works would extend in reference to the whole area or *intake*, whilst more appreciable results could be looked for later every year, according as the end of the full term of 21 years approached, and declared:—

It is not to be supposed that the Government will show any rigour in the enforcement of the penalty of resumption,† if it can be proved that the Bishop has done his best at every triennial inspection of the undertaking by the Collector.

From this, the Collector must have evidently gathered that the extent fixed for reclamation triennially was under the sanction of the Board, so much as on his triennial inspection would satisfy him that I had done my best.

(2.) The first triennial period, at the end of which, according to G. O., dated 7th July 1871, No. 1,102A, the grant would, in my default, lapse to Government, has not yet expired. The period certainly does not begin before the date of the order which stipulates it, and must be taken to run from the time the Collector would have fixed what portion was to be reclaimed triennially. Should the order of the Board given above be understood as fixing the reclamation work triennially, the period would begin from the date that the order was communicated to me, which would be after the 15th November 1871, date of the Collector's letter forwarding it.‡

(3.) The Collector's report is not based upon the results of a personal inspection, which was never made, but upon Major Beatty's report, which seems to be founded upon the information of his Native Surveyors, who did not know the boundaries, and got their information from any body who happens to be at hand. I would here beg a re-perusal of the Memorandum submitted by the Rev. Mr. Richard in my absence. Mr. Daniel in his letter to the Rev. Mr. Richard subsequent to his report says: "I am waiting for the return of Bishop Tissot when I shall be able to inspect with him personally what has been done, and I shall be in a position to state the exact nature of the reclamation."

The whole report and is reclaimed in the sense of reclaiming or rescuing it from water. Reclaiming the swamp was all along understood as draining the swamp,§ and by my letter to the Collector, dated 3rd October 1871, I clearly distinguished reclaiming from cultivating, and in a question of reclaiming land submerged by salt water, it would be difficult to understand reclaiming as converting it into fruitful gardens and fertile fields. The figure given in Major Beatty's report as the extent reclaimed and being reclaimed is intended to represent the area actually brought under cultivation; for even Major Beatty admits that "the banks prevent the water flowing over 1,614 acres."

Now regarding the advantages of draining the swamp, in a sanitary point of view, there is no second opinion, the questionable disadvantages to the harbour,

*Proceedings of the Madras Government, Revenue Department,
6th August 1874.*

in which Lieutenant Dorrard's opinion is strongly opposed to Major Beatty's, the alleged results not being undoubtedly established as existing, and, if existing, traceable to no other cause than the reclamation works, I intend to submit shortly, for further information to Government, a printed Memorandum in waiting, for the completion of which I do not wish to keep back the present letter. The question of damage to the harbour, however, is likely to be settled ere long by the harbour project being taken up by enterprise.

5. Should any public good, however, which should override the consideration for the health of the town and the benefit of the orphan, my giving up the grant, I would, as I have already informed you, be willing to entertain an offer of compromise made to the advantage of the orphan, should Government feel disinclined to avail themselves of the Land Acquisition Act.

In conclusion, as your stopping the progress of the works is now exceedingly detrimental to the undertaking, I beg you will have the goodness to submit this representation to Government with the view of their rescinding the order cancelling the grant.

(True Copies.)

(Signed) A. McC. WEBSTER,
Acting Collector.

Enclosure No. 3.—Plan.

Submitted for the consideration and orders of Government.

2. The Board adhere to their opinion as to the difficulties mentioned in their Proceedings of the 10th March 1874, No. 527, and as to the desirability of further information suggested in their Proceedings of the 9th April 1874, No. 791.

No. 62. Proceedings of the Board of Revenue, dated 23rd July 1874, No. 1,933. Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of Vizagapatam, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 18th July 1874, No. 1,919.

In continuation of my letter, No. 894, dated 25th June 1874, I have the honor to forward a printed Memorandum from Doctor Tissot on the advantage to the town of his reclamation scheme.

Enclosure No. 1.—Printed Memorandum.

Submitted to Government in continuation of Board's Proceedings, dated 13th July 1874.

No. 63. ORDER THEREON, 6th August 1874, No. 991.

Land Revenue, No. 3.

The Governor in Council resolves to forward these papers to the Advocate General for a further expression of his opinion with reference to the legal aspect of the case.

(True Extract.)

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

To the Advocate General,
the Board of Revenue.

Exd. A. Graham.

From

The Right Rev^d Dr J. M. Tissot
Bishop and Vicar Apostolic
Vizagapatam

To,
A. M. C. Webster Esq^r,
Collector of Vizagapatam and
Agent to the Government.

Sir,

I have the honor to acknowledge
receipt of your letter of the 6th Instant
informing me that Government have
resolved to cancel the Grant made to
me of the Vizagapatam swamp such
resolution I presume, could only have
been come to under an erroneous impres-
sion that I have failed to fulfil the
condition of the Grant under G. O. of July
1871 No 1469. The condition that was laid
down in the said order was that "A certain
portion

portion of the swamp (to be fixed by the Collector with the sanction of the Board) was to be reclaimed triennially." Now the Board fully alive to the difficulty of the undertaking in their Proceedings dated 30th October 1871, denoted the work to be done triennially in these words - "It is not to be supposed that the Government will show any rigour in the enforcement of the penalty of resumption, if it can be proved that the Bishop has done his best at every triennial inspection of the undertaking by the Collector" and the Collector therefore has not fixed any portion of the swamp to be reclaimed for the first triennial period which will expire not before the 7th July next at the earliest. Therefore you will readily observe that in the first

5/10/71
first place the opportunity to ascertain whether or not I have satisfied the condition of the Grant does not offer before the 7th July next reckoning from the date of the Government order and properly speaking not before three years from the date of fixing the work for the triennial period which has yet to be done.

2. But it will be easy to show that the whole of the swamp is reclaimed in the sense of rescuing it from the water, and as it is only this I have stipulated to do for the first years, I have more than satisfied the condition of the Grant in as much a great part of it is preparing for cultivation, and I beg

* Vide my letter
to the Collector of
Mazagatam dated
3rd October 1871.

beg You will have the goodness to
visit the lands and judge for Yourself
Your predecessor in Office wrote to me

"I intended to visit the reclamation Vide Letter
23^d March 1874
N^o 39.
"with You, on your return to Vizagapatam
"in order to ascertain accurately what
"work had been performed and whether
"the terms on which the Land was originally
"granted had been fulfilled. My transfer
"however from this District prevents the
"possibility of my doing so before I leave."

And again in his letter of the 8th April Vide letter
8th April 1874
N^o 486 paras
he says "I had intended to make a
personal inspection, but now I must
leave it to my successor."

3. Under the circumstances therefore,
para 2 of Your letter under reply, any question
assuming

assuming it that the Grant can
justly be cancelled by my default, I
must be unable to answer.

4. I regret to observe that you
are prepared to stop any further work,
therefore I discontinue the work on
the Grant lands, and will only keep
such lands in a state of preservation
as are required to prevent possible
damage to the other lands which I
hold in right of purchase.

5. I beg to state that should the
Government require me to give up
the grant for any public good which
would override the consideration for
the health of the town, then I would
be open to any reasonable offer if
they

they do not determine to avail themselves
of the Land acquisition Act.

6. In conclusion I beg you will
at your earliest convenience favor
me with a copy of the Government
Order in question, as I am preparing
to address them on the subject.

I beg to remain Dear
(Signed) + J. M. Jacob
Bishop & Vicar
Apostolic
Nizagapatam }
9 June 1874 }

(Three Copies)

J. M. Jacob
Secretary

[Signature]
A. M. Jacob

[Faint handwritten notes]

109

A. M. C. Wettest Esquire,
Collector &c &c
Vizagapatam.

Sir,

With reference to Government
Order dated 8th May 1874 No. 569
(Miscellaneous) a copy of which
I have received from you. I beg
to state for the consideration of Govern-
ment, that the advice of the Advocate
General, upon which Government
"resolved to instruct the Boards of
Revenue to inform me that the
grant is cancelled," is evidently based
upon a statement of the case which
Government has been unfortunately
led to believe, but which is by

Enclosure in Reminding
of the Board of Revenue
to the Secretary to Revenue
- made C.E.O. 1874
13th July 1874

For copy

24. 3/6 Aug 1874
L. B. L. 1874

Deposited amount
found in Vizagapatam
= Town District Court
= 23 8/9. Direct for
reclamation.

The
of
6.
at
me
or
to

Viz
9.

CCP

no means, founded upon fact.

2. It is belief in the existence of the following circumstances, which I presume, makes it clear to Government that I have not been able to carry out my agreements with them:-

(a) That the Collector did fix a certain portion of the swamp to be reclaimed triennially, and that it was at 47 acres per annum.

(b) That the first triennial period has always expired, and a first opportunity offered to ascertain whether or not I have fulfilled the conditions of the grant.

(c) That the Collector has actually ascertained whether or not, the condition is satisfied and has found that the

the extent actually reclaimed is ³⁰⁰13 1/2 acres, and that my operations have extended to 81 acres.

3. Now I beg to affirm that not one of the above statements would be correct.

(a) It happens the Collector never fixed what portion of the swamp was to be reclaimed triennially or annually. The 47 acres mentioned in

Mr. Daniel's letter is to extent that

③
Vice-Ch. Daniel's
letter dated 14th
January 1874
at 456.

Major Beatty estimated when writing out his report as the area to be annually reclaimed by the single process of dividing the extent of the grant 1000 acres by its full term of 21 years.

The Board of Revenue

as my reply to the Collector's Enquiry,
as to what portion I could reclaim
annually, well understood, taking a
practical view of the matter, how little
could be seen during the first years,
when embankments and other works
would extend in reference to the whole
area or intake whilst more appre-
-ciable results could be looked for
later every year, according as toward
of the full term of 21 years approa-
-ched and declared.

It is not to be supposed that the
Government will show any rigour in
the enforcement of the penalty of re-
-suspension, if it can be proved
that the Bishop has done his best
at every triennial inspection of the
undertaking by the Collector.

From this the Collector
must

must have evidently gathered that the
extent fixed for reclamation triennially
was under the sanction of the Board,
so much as on his triennial inspection
would satisfy him that I had
done my best.

(6) The first triennial period
at the end of which according to G. O.
7th July 1871, No 1169 the grant
would in any default lapse to Govern-
-ment, has not yet expired. The period
certainly does not begin before the date
of the Order which stipulates it, and
must be taken to run from the time
the Collector would have fixed what
portion was to be reclaimed triennially.
Should the order of the Board since
above, be understood as fixing the re-
-clamation work triennially, the period

would

* Vice Board
Mr. J. B. A. 1871.

will begin from the date that the

Notes were communicated to Gandy which

would be after the 15th November

1897 date of the Colaba letter found.

[illegible]

C. The Collection report is not

based upon the results of a preliminary

collected, which was a main reason for the

[Faint handwritten text at the bottom of the page]

11. The Commission has been informed that the Government of the Republic of Armenia has agreed to accept the findings of the Commission's investigation and to take the necessary measures to ensure that the rights of the victims are protected and that the perpetrators are held accountable.

1000 1100 1200 1300 1400 1500 1600 1700 1800 1900 2000 2100 2200 2300 2400 2500 2600 2700 2800 2900 3000 3100 3200 3300 3400 3500 3600 3700 3800 3900 4000 4100 4200 4300 4400 4500 4600 4700 4800 4900 5000 5100 5200 5300 5400 5500 5600 5700 5800 5900 6000 6100 6200 6300 6400 6500 6600 6700 6800 6900 7000 7100 7200 7300 7400 7500 7600 7700 7800 7900 8000 8100 8200 8300 8400 8500 8600 8700 8800 8900 9000 9100 9200 9300 9400 9500 9600 9700 9800 9900 10000

from the Capital Market around 1980. The

[Faint handwritten notes at the bottom of the page, possibly "The ..."]

10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044

[illegible]

My dear Mr. Daniel B. Fiske

Letter to the Reverend Mr. Richards

Whit report says I am

for the return of Robert Lind



✓ West Bank
Pizguasoran
15th November
1891

(1) Vice President
of the University of
the South.

Pres: of the Ladies
Sept. 17th March
1869.

When I shall be able to inspect
with him personally what ^{has} been done,
and I shall be in a position to state
the exact nature of the reclamation.

The whole grant land is reclaimed
in the sense of reclaiming or rescuing
it from water; reclaiming the swamp
was all along understood as draining
the swamp¹¹ and by my letter to the Governor
of 6 Dec. 1871. I have written
much reclaiming from water, and
in a question of reclaiming land submerged
by salt water, it would be difficult
to understand reclaiming as converting
it into fruitful gardens and fertile
fields. The figure given in Major Beatty's
report as extent reclaimed and
being reclaimed is intended to represent
the area actually brought under cultivation,
for

for Mr. Major Beatty admits that
the lands present the tide flowing over
16 1/4 acres.

Pro: of the Board
of Revenue of
18 Dec 1869

4. Now regarding the decided
advantages of draining the swamp,
in a sanitary point of view, about
which there is no second opinion, and the
questionable disadvantages to the Harbour,
in which I acquiesce in Government's opinion
as strongly expressed to Mr. Major Beatty,
the alleged results not being uncontrolled
as established as existing and if existing
as traceable to no other cause than the
reclamation works, I intend to submit
shortly for further information to the
Government a printed memorandum, in
waiting for the completion of which
I do not wish to keep back the
present

present letter. The question of drainage
to the Harbour however is likely to be
settled one way by the Harbour pro-
-ject being taken up by enterprise.

5. Should any public good, how-
ever, which should override the
consideration for the health of the town
and the benefit of the population demand
my giving up the grant, I would not
have already informed you, and I
to retain an offer of compromise
made to the advantages of the drainage
should Government feel disinclined
to avoid themselves of the Land acqui-
-sition Act.

In conclusion, as you will see
the progress of the works is now exceedingly
detrimental to the undertaking, I beg
you

you will have the goodness to submit
the representations to Government with
the view of their rescinding the order
cancelling the grant.

I have &c.

Vizayapatnam } (signed) J. M. Lissot.
16th June 1874 } Bishop & Vicar Apostolic

(True copy)

(signed) A. McC. White

Off. Collection

(True copy)

Home

Secretary

W. H. H. H.

W. H. H. H.

Revenue Department

Proceedings of the Board of Revenue
dated 13th July 1874

N^o 894

Read the following

From

A. McWebster Esquire
Acting Collector

To

J. Grace Esquire
Secretary, Board of Revenue,
Fort St. George

Sir,

I have the honor to
forward for the information of the
Board and Government two letters
addressed to me by Mr. Tissot with
reference to Government Order
of 8th May 1874 N^o 567, Revenue
Department, directing the resumption
of

Enc: in No. of the
Board of Revenue &
the Secretary & Government
O.S. dated 13th July 1874

Recd 21/7/74

Regarding account
land in Vagayakottam
District granted to Mr.
Tissot for cultivation

By Mr. McWebster
on 11/7/74

of the grant of the Vizagapatam
swamp to him for reclamation
purposes.

2. It will be observed that
Dr. Lissot objects to the grant being
cancelled on the following grounds.

(1) That the collector has never
as directed in G.O. of 8th July 1871 n^o 1169 A
decided on the extent of the swamp
to be reclaimed triennially.

(2) That the first triennial
period even if it commenced on
the date of the Government Order,
has not yet expired. Dr. Lissot
appears moreover to affirm that
this period should commence from
the time when the collector fixes
the portion to be reclaimed, which
has not yet been done.

(3) That the collector has never
ascertained

ascertained by personal inspection
that the extent of land reclaimed
amounts to no more than 81 acres,
of which 15½ acres have been brought
under cultivation as stated in Major
Beatty's letter.

3. He also objects to the opinion
expressed by Major Beatty as to the
actual work performed on the ground
that it seems to have been based
on the information of his Native Sur-
veyors who did not know the boundaries,
and obtained their information from
any body who happened to be at hand.

4. Dr. Lissot further affirms that
the whole swamp has been reclaimed
in the sense of rescuing it from the
water, and refers to his letter to the
collector of 3rd October 1871 (Proceedings
of Government 17th March 1869) to show
what

what he proposed to do.

6. It will thus be seen that Dr. Lissot joins issue on the correctness of the information which was submitted to the Advocate General and on which that Officer gave his opinion that the grant could be resumed. It is unnecessary for me to advert to his concluding remarks on the effect to the reclamation of the swamp will have on the Harbour. The question has already been settled by Government adversely to the scheme.

7. It appears to me however that if Dr. Lissot's objections to the resumption of the grant given in para 2 of this letter have any legal value, his position is insurmountable, and that Government will either have to

to obtain the land by amicable settlement, or take it up under the Land Acquisition Act immediately on the receipt of the Government Order. I informed Dr. Lissot that his grant had been cancelled, and that all further reclamation work must be at once put a stop to. As he wishes to be heard further on the case, I have not carried out the orders of Government to their full extent by putting the District Engineer in possession of the land until I am in receipt of their orders on the present appeal for further consideration of the subject.

8. With reference to the question whether the land has been reclaimed in the sense for which it was granted.

granted, I must state that if the
object was to keep out the salt water,
that purpose has been effectually
attained; for I rode over the land
the other day, and there were but
very few pools of water on it, while
the tide water only submerged a small
portion at the spot, I have marked
in the plan (herewith returned)
in pencil with the letters A.B. and
with reference to this portion, I am
informed that the reason for
letting the water in was because
it was for the present being
used for a fishery. I may further
mention that in April or May 1873,
the Regiment stationed here manured
on the swamp, and that the reason
for their not continuing to use the
ground for this purpose, was
because

because the salt in the soil spoiled
the man's dresses and boots.
The Board after perusing the
Report of Mr. Richard's Memorandum were
not altogether satisfied whether
the reclamation scheme should be
put a stop to, and they recommended
that the opinions of the Sanitary
Commissioner and the Inspecting
Engineer for Ports and Communi-
cations should be obtained, if possible,
after a personal inspection of the
grounds. With reference to the pro-
posal to cancel the grant, they in
their Proceedings of 10th March 1874
No. 527, looking apparently to the
legal aspect of the case saw dif-
ficulties in the way of its resumption.
It is this doubt of the legality of our
action that has induced me to
forward

forwarded Dr. Tissot's letters, and to defer further action pending the receipt of the order of Government thereon.

10. Dr. Tissot has stated in para 5 of his letter of the 16th August, that he will be prepared to give up the land for a fair compensation, provided Government do not have recourse to the Land Acquisition Act; and he has verbally informed me, that although he will give up the land if required for a public purpose, he will not relinquish his claims if the grant is cancelled on the ground of his non-fulfilment of its terms, and that in this case he will decline to accept any compensation, and will take the matter into the Civil Courts.

11. I respectfully to state
my

my opinion that the most expedient solution of the case would be for Government to hold their orders of the 8th May in abeyance, and if they consider the reclamation as carried out detrimental to the Harbour, and offering no counterbalancing advantages by the prospect of its permanency, to direct me to arrange for the acquisition of the land by amicable settlement, leaving the question of the fulfilment or non-fulfilment of the terms of the grant open for the present. Of course, I only venture this opinion on the supposition that the objections of Dr. Tissot have legal weight, and because it appears from the papers printed with the Proceedings of Government of 8th May, that the

Rev. Mr. Richard's Memorandum
was not submitted to the Ad-
vocate General. If however
the point has been decided by
the Advocate General adversely
to his present contention, the
Government have the right
to cancel the grant; but I much
fear that the matter will in
this case not be settled without
an appeal to the Courts, a result
which should, if possible, be
avoided.

Vizagapatam } I have the
25 June 1874 } S. J. McWebster
Acting Collector

Submitted for the
consideration and orders of
Government.

The

The Board adhere to
their opinion as to the difficulties
mentioned in their Proceedings
of the 10th March 1874, No. 527 and as
to the desirability of further
information suggested in their
Proceedings of the 9th April 1874, No. 791.

True copy & Extract

J. Mc
Secretary

The Asst Secretary to Government
Revenue Department
with copies of 2 enclosures & one
plan

McParasima Cherry

4.0 1874 1875 101.2
 11.0 1875 1876 159.6
 12.0 1876 1877 56.3
 13.0 1877 1878 43.9
 14.0 1878 1879 43.8
 15.0 1879 1880 22.1
 16.0 1880 1881 4.5
 17.0 1881 1882 108.8
 18.0 1882 1883 72

MEMORANDUM on the decided advantages and possible disadvantages
 attending the Reclamation, or Drainage, of the Swamp to the West of
 Vizagapatam.

IN order to be able to understand and appreciate the advantages of this undertak-
 ing, one must needs know—

- What was the Swamp in its nature and effects before the Reclamation began?
- Whether the Reclamation, or the Drainage of the Swamp were ever thought of and attempted previous to Dr. Tissot's operations, and why not?
- What induced Dr. Tissot to undertake the Reclamation work, how it was viewed by the public at Vizagapatam, and what were the difficulties to surmount?
- What is the present condition of the Swamp lands, and how is the undertaking now viewed by the same public.

(a) The Swamp was an extensive low waste, a salt marsh of about 2½ square miles, immediately to the west or back of the town, having the water of the sea flowing off and on with the tide. The soil was generally a kind of black, crude and putrid deposit, very shaly if wet, but extremely hard when dry, mixed here and there with shells often found in layers.

The lower strata would hold the water from the high tides and freshes stagnant, until the whole were absorbed and evaporated—and the miasma, from the decomposition of matter throughout, were blown right into the town by westerly winds. One in Madras could form an idea of this nuisance (making however, a good allowance for its greater intensity in Vizagapatam) by recalling to mind the complaints made by the neighbourhood, whenever the bar of the Cooum river happened to be closed for a time.

The Swamp is thus described in the Annual Report of the Civil Dispensary at Vizagapatam for the year 1868:—

"I referred, in my last Annual Report, to the influence exercised upon the health of this town by the permitted existence of the swamp and back water which lie in the N. N. W. and W. of the place. A wide tract of low-lying open country, through which passes the small stream at the mouth of which Vizagapatam stands, is daily flooded at the rise of the tide by sea and river water. The backwater lies close under the town on its N. and N. W. side nearly close up to the infirmary parade grounds. It certainly has its advantages, being a place of shelter and resort for dances and other merrymaking during stormy weather at sea; but as it is by much an important point that the sewage of the town is made to find its way out to sea, it cannot but be considered as a source of exercising a most depressing influence on the health of the inhabitants, more especially upon those who live immediately on its banks. Perhaps I never was so profoundly of my friend Sir John Major MacLeod M.D., when I recall the impression forced upon me, when temporarily in charge of the Military duties of this station. Then it was only too perceptible in the summer months. As long as hard easterly breezes prevailed, the

C 22 1874 1875 101.2
 11.0 1875 1876 159.6
 12.0 1876 1877 56.3
 13.0 1877 1878 43.9
 14.0 1878 1879 43.8
 15.0 1879 1880 22.1
 16.0 1880 1881 4.5
 17.0 1881 1882 108.8
 18.0 1882 1883 72

Dated 13th July 1874
 Dec 13-1874
 No 2421
 Received 1874 Report
 Proceedings of the
 Board of Revenue
 Vizagapatam
 Letter from Collector of
 Vizagapatam on subject
 of reclamation by grant
 of Swamp Land from Govt
 to Dr Tissot for reclamation
 for orphans
 office

health of the men and their families continued good or fair; but whatever wind, blowing across the Swamp, set in, immediately the number of sick increased by applications made for admission by asthmatic cases, others with fever and many with asthenia and conditions the result of general debility. In the Garrison Hospital, which stands on the bank near the lower end of the backwater, though the number of cases in the wards was never at any time great, I could not but assign the cause of dyspepsia, head-ache, sometimes diarrhoea—in general, depression of spirits, to the inhalation of the noxious atmosphere wafted into the wards from the open reeking waste and the exhalations from the sewers emptied into the backwater. It is from such localities that the majority of cases applying for relief at the Dispensary, came. The reclamation of such a wide extent of waste is necessary in a sanitary view, I am persuaded. As to the engineering practicability of such a measure, I hesitate to give an opinion. But when I say that many years ago Colonel Randall, now Consulting Engineer to Government in the Irrigation Department, recommended the reclamation of this Swamp, being persuaded of its possibility as well as of the benefit it would afford, it must be admitted that I write with good reason in favour of the measure."

The following is copy of a Letter with the opinion of a Board of Medical Officers which is forwarded:—

No. 250.—FROM THE DEPUTY INSPECTOR GENERAL,

Indian Medical Department—Northern District.

TO THE RIGHT REVEREND, THE ROMAN CATHOLIC BISHOP—Vizagapatam.

My Lord,

I have the honor to acknowledge the receipt of your communication of the 14th instant, and, in reply to the enquiry therein conveyed, I have only to remark that I do not see how it is possible for any difference of opinion to arise on the incontestable advantages that would accrue to the inhabitants of the town of Vizagapatam both in a sanitary and commercial point of view, were the salt marsh reclaimed. More than twenty years ago Mr. Walter Elliot, who was, I believe, Government Commissioner for the District, was most earnest to have the marsh reclaimed, and every one so far as I know or have heard, both civil and medical, have been of the same opinion. I do not suppose that between myself and my medical friends here there will be any difference of opinion; but to ascertain this practically, I will write them to express their opinion and will communicate to you the result.

(P. 3.)—As you will observe by the enclosed, I thought it better, before sending my letter to you, to obtain the opinion of my medical brethren—which I have now the pleasure to forward.

I have the honor to be, My Lord,

Your most obedient and humble servant,

J. MAYR.

Asst. Surg. Genl. Ind. Med. Dept.

WALTER.

18th December 1867.

We, the undersigned, are unanimously of opinion that the swamp, or marsh of Vizagapatam must be at all times more or less injurious to the population of the town, and we are therefore of opinion that if the whole could be reclaimed, a great public benefit would be conferred on the inhabitants of the locality, and that if even this could be done in part, some benefit would accrue.

J. MAYR—*Asst. Surg. Genl. Ind. Med. Dept. Northern District.*

J. MORRIS M.D.—*Surgeon 31st Regiment B. I.*

H. ADAM—*Chief Surgeon—Vizagapatam.*

WALTER.

18th December 1867.

Dr. Adam in writing to Dr. Tissot in 1868/9 says:—

"I am about present to set apart Wednesday next to meet you and learn your suggestions about that most desirable measure—the reclaiming of the horrid swamp. I repeat that it has been an obsession to me, since first I held charge here, and have frequently turned the matter over in my mind to see how best it could be accomplished."

And again in another letter:—

"I can only assure you of my best wishes—that speedy and certain success may attend your endeavours to accomplish what must greatly improve the climate of this place and the general health of the community, who ought to be indebted to you for the salutatory and considerate you have shown."

(a) Vide Proceedings of the Madras Government, Revenue Department, dated 2nd February 1869.

The several gentlemen, who have filled the office of Collector of the District from 1868 to the end of 1873, have one and all expressed their opinion in unmistakable terms about the Swamp, in their several letters relating to its drainage. Mr. Minchin, writing to the Board of Revenue, says in his letter^(a) dated 1st September 1868, No. 649, p. 3.

"There can be no doubt that the objects entertained by the Right Reverend Bishop are highly philanthropic; and, if he succeeds in reclaiming the Swamp, he will effect a great public benefit to the town of Vizagapatam, and its vicinity."

Again in letter dated 14th November 1868, No. 832, p. p. 3. and 4:—

"The land is at present worthless, and the Swamp is a source of Malaria to the town of Vizagapatam. Dr. Tissot proposes to drain the Swamp." * * The success of this applicant will be of great public benefit to the town of Vizagapatam. His failure can injure nobody."

And again in letter^(c) dated 9th September 1869, No. 541, p. p. 2. and 3:—

"As already stated by me, the land is quite worthless unless reclaimed, while its reclamation is a work of very great cost and difficulty; but at the same time, if successful, it would be of the greatest utility to the town in a sanitary point of view. Were there the slightest chance of the parties taking up the work, I would not advocate the free grant of the land, for the term of his experiment to Dr. Tissot; but, as there is not the slightest prospect of the work being undertaken by any one else, and as Dr. Tissot has only the funds of this Mission to lay out on the enterprise, I think that claim for assessment may fairly be yielded for ten years, on account of the public utility of the work attempted."

Mr. Melville, writing to the Board of Revenue, says in letter^(c) dated 5th October 1871, p. 2:—

"As the enterprise of the Right Revd. Gentleman is chiefly a philanthropic one, I think that the modification asked for by him may be granted. There is no prospect at present of any revenue accruing to Government from the land proposed to be reclaimed, and the undertaking is one attended with considerable expense, whilst the chances of profit are in my opinion very small."

And in a previous letter^(d) dated 15th May 1871, No. 465, p. 4:—

"The land, in its present state, is believed to be the cause of much of the sickness in the town, the effluvia from it being sometimes very offensive. Should Dr. Tissot fail in his endeavor, the loss will be his, and the land will be in no worse state than it is at present. Should he succeed, the town will largely benefit by his success."

(d.) The above extracts clearly show that the Swamp was a worthless waste and a source of nuisance and disease. They show also that the idea of reclaiming it had indeed occupied the minds of Engineering, Administrative and Medical officers, although the attempt was never made. The undertaking, however desirable, was considered too risky and as requiring extensive funds which, in the long run, might prove to have been wasted.

(e.) So difficult and hazardous an enterprise was by no means an interested speculation on the part of Dr. Tissot. In fact, he had no wish to undertake it, if he could possibly have induced any public spirited individual or enterprising Company to take up a work which was considered essentially necessary for the sanitation of the town. Dr. Tissot (through a friend) proposed the measure to the Municipal body; but explained to them plainly the immense advantages the town would derive from it, the general impression in the place being that the whole would end in a costly failure. When Dr. Tissot was convinced that he could not induce anybody to undertake the work, it struck him that his Mission might make

(a) Vide Proceedings of the Madras Government, Revenue Department, dated 1st March 1869.

(b) Vide Proceedings of the Madras Government, Revenue Department, dated 2nd November 1869.

(c) Vide Proceedings of the Board of Revenue, No. 639, dated 30th October 1871.

(d) Vide Proceedings of the Madras Government, Revenue Department, dated 7th July 1871.

an effort to carry out a scheme which, besides being essentially philanthropic, would, if successful, eventually be a provision for the numerous Orphans under his charge. It was, under these circumstances, that the Bishop obtained the medical opinions already given above. The then Master Attendant, Captain Pascal, was also consulted in a visit which the Bishop paid him, accompanied by Dr. Adam.

Dr. Tissot knew from personal experience that, under the liberal administration of His Excellency Lord Napier, any measure for the public good would be benevolently considered and received, no matter by whom proposed. He, therefore, laid the proposition before His Excellency in a private letter which met with a very courteous answer. Dr. Tissot's desire had been to achieve the work, whilst the public-spirited gentleman (who now fills the office of Chief Secretary to H. E. the Governor of Madras) had charge of the District. He was confident he would have received every encouragement and support at the hands of one who contributed in no small degree to the moral, intellectual and sanitary improvement of the District. After Mr. Carmichael's departure, his successors continued to appreciate the benefit which the completion of so difficult and hazardous an undertaking would confer upon the town in a sanitary point of view, and strongly recommended the project to the Board of Revenue, who have been pleased to support all Dr. Tissot's applications in connexion with the Reclamation. — The draining of the Swamp, however, was still generally considered by the inhabitants of Vizagapatam as a Utopian idea. They knew well what difficulties had to be contended with, and the money spent upon it was, in their opinion, as it were sunk in the marsh. The fact is that it was no easy task; especially when, after two years' hard labour, the Cyclone of November 1870 swept away, to a great extent, the Reclamation works. They had almost to be begun again!

Referring to that Cyclone, Dr. Tissot, writes in his letter to the Collector under date 14th April 1871:—

"Notwithstanding this disaster, I am determined to pursue the undertaking, seeing that, were I to succeed, Vizagapatam would be rid of a great nuisance &c."

And again in letter (c) dated 3rd October 1871:—

"I have not only to contend with the tidal estuary and ordinary freshes, very frequent here, which destroy in a few hours the hard work of many years but to these difficulties may be added Cyclones which often visit this part of the country."

The Collector, in his letter (c) to the Board of Revenue dated 13th May 1871 No. 463, says:—

"The Cyclone in November last having considerably damaged and, in some places, entirely swept away the embankments raised to reclaim the Swamp land granted in G. O. dated 17th March 1869 No. 722 to the Right Reverend Dr. Tissot, that gentleman now applies for an extension of the period of reclamation from 10 to 40 years."

"2. The land was granted in April 1869. Allowing a year for preparations under G. O. dated 22nd November No. 4067, one year has just expired of the period of 10 years. The difficulties Dr. Tissot had to contend with during this period have been greater than he anticipated and, as he has already lost a great deal in the undertaking, I see no objection to his application being complied with."

"3. The time is certainly long, but, as the land is to the constant influence of a tidal estuary, and to heavy freshes during the monsoon, I do not think Dr. Tissot would be able to carry out his project in a shorter period, and I beg to recommend that the application (any of which is hereby submitted) be complied with."

Minutes of the Madras Government, Revenue Department, dated 2nd February 1869.
Minutes of the Madras Government, Revenue Department, dated 26th July 1871.
Minutes of the Madras Government, Revenue Department, dated 10th October 1871.
Minutes of the Madras Government, Revenue Department, dated 10th July 1871.

The Board, in supporting the application say:—

"The loss to Government is nothing and the difficulty of the undertaking, as well as the benefit its success will confer on the town of Vizagapatam, would warrant even greater concession."

Here, it might be remarked *en passant* that, considering the disastrous circumstances alluded to above, it could not be expected that Dr. Tissot would have resumed the Reclamation works before the receipt of the Government Order thereon.

By the wording of that Order, the portion to be reclaimed triennially was afterwards to be fixed.

(d.) Although the first triennial period has not yet elapsed, the whole of the area is drained and therefore reclaimed in the sense in which Dr. Tissot has all along used the expression. There can be no misunderstanding on this point, as in his correspondence with the Collector, he frequently makes use of the word "draining" in a sense signifying "reclaiming." It is clear, moreover, that in his letter to the Collector dated 30th October 1871 p. 3, when Dr. Tissot writes: "for the reclaiming of the land and preparing it for agricultural purposes," he does not wish to convey the meaning that "the land was to be in a state of actual cultivation."

Even the Collector, the Board and the Government themselves employed the word "reclaiming" in the sense of "draining, and vice versa." The word "reclaiming" could never be taken in any other sense, when used in connexion with lands of the description of this Swamp.

Dr. Tissot, in the first instance, proposed to reclaim 200 acres a year, or 1,200 in 6 years. Surely, he could not have been supposed to have offered to bring under actual cultivation, within so short a time, a salt marsh of the description above alluded to! The most elementary notions of agriculture would stamp the supposition as most preposterous. And yet the average given by Major Beatty as the area reclaimed, is the acreage of what was at the time under actual cultivation!

Besides, when the condition of a Grant is that a certain portion, fixed beforehand, is to be reclaimed triennially, the meaning cannot possibly be that only such portion should be first drained and cultivated, without anything being done towards draining the remainder of the area. Why, it is absolutely necessary that embankments &c. should surround the whole intake, before any portion can be brought under cultivation.

The following extracts from a speech, made by one of the most influential and intelligent Landed Proprietors of the Vizagapatam District, at a large public Meeting in December last, will testify to the present condition of the Swamp and to the favorable light in which the undertaking is viewed by the public:—

"The Swamp lands at the back of our town, in the opinion of every sanitary officer that I have spoken to, have been and must be the fruitful cause of every kind of pestilential disease and distemper peculiar to the place. It was only enterprise and energy, impelled by philanthropy and charity, that could have undertaken the then hopeless work of draining them. I, perhaps, was at first and as long as any in laughing at what I thought must end in total failure. It is now, however, a fact accomplished, and I hear the town is already free to a great extent from those evils which before were so strangely frequent. Now, except we make up our minds to be entirely passive and open to the charge of having no energy, no enterprise, no eye even to our own prospects, I think it behoves us to put our shoulders to the wheel to finish at once what has been so well begun, by securing the harbor, the fertility and advantages of which have been so well pointed out by Mr. Thomas, and which I propose to discuss at another time and place."

(e) In his letter to the Collector, dated 24th December 1873 and copied in Mr. Daniel's letter to the Board, dated 20th June 1874, No. 66.

And what the Swamp is at present, in a sanitary point of view, may be inferred from the Medical officer's remarks regarding a small portion not nearly so well drained as the whole now is:—

"And as a proof of what can be done, a small piece of the Swamp (the property of the Roman Catholic Mission in this place and situated in that part of the marsh first influenced by the surge of water) has been made useful and arable merely by enclosing it with a low mud wall not higher than four feet, but which effectually prevents the patch being similar to all around it—a useless, hurtful, malarious waste."

And this is borne out by what Dr. Benza (who accompanied the Governor Sir Frederick Adam on his tour through the Northern Circars in 1835) says in his Notes of a plain to the N. W. of Vizagapatam, which, from his description, could not have been in so bad a condition as the Swamp before it was reclaimed.

"My memory does not fail me; a portion of this plain has been lately drained, by which the air, before proverbially unhealthy, has been rendered pure, and many thousand acres of land have been reclaimed from the sea." *Dr. Benza's Account of the District, page 24.*

THE alleged disadvantages attending the Reclamation works may now be discussed:—

- (a) What are the disadvantages; are they not imaginary?
- (b) If real, are they remediable?
- (c) Would such disadvantages counterbalance the advantages?

(a) It is alleged that the Reclamation works are damaging to the Harbour, and that the bar and river are fast filling up. This is attempted to be established by comparison of soundings at the bar and at the two ferries of the River. The soundings at the river are so irregular, depending upon the action of the tides, strong currents, and abnormal tides, that one could scarcely expect to find the same depth of water on the Bar any two days in the year. It would be also next to impossible to take soundings precisely in the same line in which they might have been taken previously. Major Beatty, however, compares the soundings on the Bar in 1861—about six weeks after the heavy freshes when the bar must have been well scoured—with soundings taken in 1873, (how long after freshes of any kind not being known), and that, in face of the admission that there is nothing to show clearly what was the general state of the Bar in 1861. The gist of the above remarks would equally apply to the comparison of soundings at the two ferries, in the absence of any circumstance to prove that the soundings of the two years under comparison were taken under similar circumstances, or reference to time or year, tide &c. More- over, it is well known that the depth of water in rivers is influenced by currents, tides, &c., varying during the seasons of the year. For instance, shoals in the river Godavari, situated in a comparatively shallow water, are not so much exposed as they are at low water, and only two sections of the river can—at best—be compared with the comparative depths of the river. Mr. Nordmann, however, remarks that the depth channel is 15, which is close to the island. Some of the shoals have been scoured out. The alleged damage to the Harbour is, therefore, based upon a doubtful and uncertain data, whilst even the same has not been proved attributable to the Reclamation works.

But Dr. Tassot would be very little surprised if it was even placed beyond a doubt that the river has been silting up, if it had been doing so long before the present Reclamation works were thought of. Some of the old inhabitants of the district, and of the Bar, and of the Harbour, and of the Collector of Vizagapatam,

could remember the time when the river, or back-water extended to parts which are now sites for roads and buildings. The exact causes, it would doubtless be as difficult to trace, as it would be to account for the encroachment of the sea which, not long ago, was much farther away from the town. A cause, nevertheless, has been mentioned the value of which rests on the mere opinion of boatmen. May not their "sound natural instinct" (alluded to by Mr. Nordmann) savour somewhat of interested motives? As the Reclamation works have narrowed the field of their fishing in stagnant waters, and as they have not been permitted to make free use of a pool, situated in a corner of the farm land, for a fishing ground, their opposition to the works may easily be accounted for.

No great value, either, ought to be attached to the opinion, or theory ventured by Major Beatty, diametrically opposed to that of Lieutenant Donward (the Head of the D. P. W. in the District a short time back) who, in reply to the question put to him by the Collector on 8th May 1871, stated the following as his professional opinion:—

"The reclamation will not injure the Port because the amount of storage for tidal water taken away, will be compensated by forcing the water to flow to a higher level in the river."

Mr. Dartell adds:—

"This opinion has been falsified by results."

To substantiate this assertion, it has yet to be proved that the bar and river have really silted up; and, if so, that this is due to nothing else but the Reclamation works. Amongst other causes, the following, for instance, has been suggested, viz: the diversion into Lawson's Bay of a portion of the drainage of the hills and country situated to the N. and N. W. of the town.

(b) But supposing for a moment that, whatever the cause may be, the river and bar be really silting up and damaging the present harbour, the disadvantage would yet have a remedy, according to Major Beatty, in the protective works for the river's mouth, if the Harbour Works, "with which the Reclamation is so intimately connected," be inaugurated. The cost of the work is estimated at about one lac of rupees, and steps are being taken by private enterprise to carry it out.

(c) Supposing, as an extreme case, the disadvantage to exist, and not to be remedied, it could only affect the convenience of thirty private individuals (owners of native crafts) who would be forced to dock their vessels in Coringa, instead of Vizagapatam.

Turning to another supposition, should it be decided that the whole of the drainage work, now nearly completed, be undone, it will not be sufficient to breach the bonds; but the whole works including the Mission's private property, will have to be demolished. The Swamp consists of several parcels of land: one purchased by Dr. Tassot from a Mr. Warfield; one held under an *unconditional* grant at an aggregate assessment of Rs. 22 according to a G. O. of 11th March 1868 No. 636; one of 1000 acres under grant from Government according to G. O. of 7th July 1871; and the remainder purchased from the Walair Proprietor. Now, the portion which Major Beatty describes "as adapted as a site for docks, warehouses &c." is held by Dr. Tassot in right of purchase and under *unconditional* grant, the assessment of which has been regularly paid. Rather than pay a heavy compensation for the forcible occupation of the above land, and meet the expenses of undoing the present Reclamation Works (the result of immense labour and perseverance), it would be more expedient for Government to sanction the Harbour Works. The very act of disturbing the embankments, now settled down, and of loosening the sand and clay mass, to a great degree, be detrimental to the River. After all, should it be dis-

covered that the effect, now attributed to the Reclamation, is due to other causes, how great and sad would not the disappointment be! For, even Major Beatty confessed that "any bona-fide attempt to reclaim the Swamp should be encouraged." In fact, there is no second opinion about the advantages of the Reclamation in a sanitary point of view. It means health and comfort for every inhabitant of the town; it means a provision for more than 200 Orphans and a larger number of Paupers.

In conclusion—Dr. Tissot, whilst abstaining from any comment on the tone in which Major Beatty alluded to him, would respectfully solicit the attention of Government to the erroneous statements and contradictions of that Officer (pointed out in Rev. Mr. Richard's Memorandum dated 11th February 1874.) with a view to guard them against taking a step which, in the interests of the public, they may have cause hereafter to bitterly regret.

VIZAGAPATAM, 1st July 1874.

N.B. The italics in the extracts are Dr. Tissot's

J. M. Tiffan
Archdeacon & R. of

Mr. J. M. Tiffan
Archdeacon & R. of

Dr. Tissot

Printed and Published by the Government of Madras, at the Government Press, Colombo, Ceylon.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 23rd July 1874.

Read the following

From

To

Sir,

J. M. Tiffan Esquire
Acting Collector
J. Gross Esquire
Secretary to the Board of Revenue.

In continuation of my letter No. 894 dated 25th June 1874, I have the honor to forward a printed Memorandum from Doctor Tissot on the advantages to the Town of his Reclamation Scheme.

Vizagapatam
Collecting Office
18th July 1874

I have &c
Sd/- J. M. Tiffan
Collector.

Submitted

Submits to Government
in Continuation of Board's Pro-
ceedings dated 13th July 1874

(True Copy & Encl)

J. G. Gorse
Secretary
To the Secretary to Government
Revenue Department
with one original enclosed

W. H. Gorse

W. H. Gorse

7/02

Co. 22

Pro. B. & R.

133

1825

FOR ORDERS.

I think the papers and
letter he sent the above
fact for the law officers,
when allowed of in legal
position he can decide on
the most efficient course for
adoption. I. O. L. This is

1883-1884
 Proceedings of the Board
 of Revenue.

1021

Desig: 13

107

Summary

Admission to
the Fair contained from
Sept 10 to Dec. 31 13 25¢
Children from birth to
14 years 10¢
Single persons entering a
family from the same
household 10¢
on the admission of
the owner of the
admission 10¢
- admission 10¢
106 August 17 14 1899

FOR ORDERS.

Revenue Department.

No. 991

Proceedings of the Madras Government
Under date the 6th August 1874.
Read the following Pro-
ceedings of the Bd of Rev.

Subj. for consideration &
orders, letters from Collr of
Vijayapattam on subject of
resumption of swampy land
granted to Dr. Sisir for reclama-
tion.

N.C. 15th July 1874

Subj. in continuation of
Bd. No. of 15th July 1874 letter
from Collr of Vijayapattam for-
warding a Memo. from Dr. Sisir
on the advantage to the town
of his reclamation scheme.

N.C. 23rd July 1874

C. 25th July 1874

The Governor in
Council resolves to for-
ward these papers to
the Advocate General
for a further expression
of his opinion with
reference

reference to the legal
aspect of the case

CPW

Sept. in M.S. to Admiral Gant
with a file of 7 orders & 4 envelopes
to be returned
C. of 18 Aug 74
R. of 18 Aug 74