M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 32.

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(3) Initials of the Referencer

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue. DEPARTMENT

G.O. No.	1341.	Press
B.P. No.		Mis.
Dated	17-10-1874.	196.

Not to be folded or roughly handled

Proceedings of the Madras Gove nent, Revenue Department,
17th Octobe 1874.

No. 242. Read the following Extract fr the Advo e-General's opinion, dated 25th September 1874 :—

"My advice, therefore, is that the Co lector be instructed to arrange with Dr. Tissot in an amicable manner for the su nder of the rest of the term of years, leaving the question of the fulfilment or nonfulfilment of the conditions of this grant in abeyance, and proceeding on the ground that the Government considered that the reclamation was proving detrimental to the port.

"Compensation should be tendered for all actual outlay, with interest thereon, labor bestowed, crops, groves, and other increment of a like nature, attributable to the Bishop's exertions. The Collector should point out to the Bishop that the grant having been asked and made on philanthrop unds, and the public interests now necessitating its abandonment, he cannot, w y sort of propriety, claim more than the actual loss involved; and that, moreover, he will, in all probability, get more under friendly compromise than if, by a rigid assertion of his rights, he drove the Government to take up the tract under the Land Acquisition Act."

No. 242A. ORDER THEREON, 17th October 1874, No. 1,341.

Miscellaneous.

HIS EXCELLENCY the Governor in Council resolves, with reference to the foregoing extract, to inform the Board, for communication to the Right Reverend Dr. Tissot, that the order of the 8th May last, No. 567, so far as it directs the resumption of the grant, will be held in abeyance. Before, however, authorising the Board to act on the Advocate-General's advice, His Excellency in Council considers it desirable to refer for the opinion of the Master Attendant at Madras the question how far the reclamation (1) as already carried out and (2) as proposed will injuriously affect the proposed harbor at Vizagapatam.

2. Captain Taylor will take an early opportunity of visiting the locality, and, with reference to the marginally noted correspondence, will submit his views after consulting the local officials of all departments on the subject.

G. O., 25th Feb. 1873, No. 603, P.W.D.
„ 8th May 1874, „ 567, R.D.
„ 6th Aug. „ „ 991, „

(True Extr gned) C. G. MASTER,
Acting Secretary to Government.

To the Master Attendant at Madras.
„ the Board of Revenue.
„ the Government Solicitor.
„ the Public Works Department.
„ the Marine Department.

Exd. F. R. Bantleman.

13-12-72
19-10-73
19-
11-2-02

COURT OF WARDS
REGISTERED

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134

Ofnum

In my former ofnum, 9th Sept. 1871, I pointed out the two points in which the legal position of the Crown, as regards the conversion of Burkup Tenure, was uncertain. The first point was that the terms on which the land concerned, the pea grant for 21 years, was made, (Govt order 1169 A of 7th Jan 1871) was that a certain portion of the rent fixed by the Collector with the sanction of the Board, should be reduced proportionately in default the grant to last the Govt demand, as the portion had been fixed by the Collector, [illegible]

R D T 8 D

a block the grants were to proceed, had not occurred.

2d. A second permit was taken by their proceedings of 30th Oct 1873 (No 4535) the Board had (inter alia) the Architect & Contractor [illegible] the Inspection, Pursuant to the Govt. Order of 7th July 1871, to add not less than [illegible] enforced both ways, if it could be done [illegible], at each Triennial inspection, "that the Block had done its duty".

Jan 1874 of Dr Rogers dated 27th Jan 1874, & Collector, 9 June 1874, & appears that of a Depn. then the Board, that the Pens were both in use. The Govt on the 2d & Contract stood by their Contract

fulfilled the condition of the grant as to the extent of reclamation, a copy of the Conveyance of which was produced to the Board, & which appeared in the Papers laid before the Board on the 20th Jan 1874 & Major Bradley's Report of 24th Dec 1873, that block of land consisting of [illegible] Proceedings of 19th Feb 1868: it will then be found that in the Report dated of 11 Jan 1868, that he had taken out the Govt at that time the Govt at the rate of two acres a year, & that Collectors Letter, [illegible]

Dr Archer, dated enclosed 5th & 16th June 1874 & his Answ. of 1st July 1874.

Ques. Was Mr Jones's statement at variance with what he previously asserted to Mr. Daniel & Mr. Archer?

Ans. It was inconsistent with the statement which he had made to Mr Daniel & Mr Archer.

Ques. Was the statement made to you by Mr Richards' letter, dated 18th inst., the reason why proceedings of 10th March, 1874 were abandoned & of supreme importance to Mr Jones that he should not attempt to reclaim the Wrong should be abandoned, yet, after perusal

So disputed was the ground by Mr Richards' letter, dated, though the proceedings of 10th March, 1874 were abandoned & of supreme importance to Mr Jones that he should not attempt to reclaim the Wrong should be abandoned, yet, after perusal

Mr Jones's application, the Land Reclamation was undertaken, in obedience to the Bishop's direction, with the Bishop's knowledge & consent & by the Bishop's Contractor, that the ground should be reclaimed, with a reasonable expenditure of Money, with a certain chance of the Corn to be used, & if this be so, the Bishop's Income should & Corn, extremely strong.

The General ground taken by Mr Daniel & Mr Jones of the Reality of the Liability & Necessity of the work already effected & of the additional work to be done & of the Bishop's power to carry out the objects for which the Grant has been made, & Conducted, but without some Knowledge of Mr Richards' letter of the 18th Nov. & Mr Richards' letter of 18th March, 1874 & the Bishop's two letters to

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of the letter, in their proceedings of 9th Nov. 1774,
they express a strict attention to reformation
which must be pleasing to every, & suggest
that the opinions of the Learning, Compassion
& Prudence of the Judges, should be
taken on the subject. Where so much
Learning stood for a strict trial, it
is obvious that the right course is, of
course, to conform to the case, & the
suggestion made in pursuance of the
Recorder's Letter of 25th June 1774 must
extremely acknowledge; but must say
diffidently in carrying it out, the
authorities are to exercise discretion
in such [illegible]

4

that readiness to entertain any reasonable
offer as to the terms on which the rights
shall be abandoned, through the
object of the negotiation proceeding until
sum of the grant having been exceeded
through his default.

By action, transmit that the Collector
be instructed to arrange with D. Ispot
in an amicable manner for the surrender
of the lease of the term of grant, having
the question of the forfeiture or extin-
guishment of the dedication of the
Plank the Avenue, & proceeding as
to grant both the Steamers

Resolved that the Reclamation
of Jenning's detriment of the Park.
Compensation should be tendered for
the actual outlay, both inclusive thereon,
labor bestowed, crops, grass & other
increment of a like nature attributable
to the Bishop's exertion. The Collector
should present unto the Bishop, that, the
Grant having been asked & made on
scholastic grounds, & the public interest
now necessitating its abandonment, he
can not, with any sort of propriety, claim
more than the actual loss incurred,
& that, moreover, he look to all

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subsidiary sub men under a
friendly compromise than to be
forced asserting of his rights to draw
the Grant to date upon the land
the Land Registration Act. Then it
they bring it to the Register to find
in the effect that he has made com-
to any such arrangement, if he
has other than to a friendly
& Charlemont manner. To the Court,
however, of his proving unreasonable
the Register & Officers, therefore
Correspondence to the Register
which Plan indicated on heading
the case, with

the Remarks of the Bishop of
London upon the Proposals of the Land
Registration Act: the Cases would
certainly be sometimes Quite incon-
sistent.

M. Chancellor
Esq.

95.9.7th

the increment of a like nature attributable to the Bishop's exertions. The Collector should point out to the Bishop that the grant has been asked and made on public principles, and that if public interests require it, abandonment he can not enter any part of property claim more than the actual loss sustained; and that, moreover, he will in all probability get more in deed from the Companies than by a rigid assertion of his right. I have drawn the Government to take up the tract under the Land Acquisition Act."

His Excellency the Governor in Council wishes to furnish the foregoing Extract to the Board for Meeting in continuation of G.C. 5th August last.

Note. This draft is prepared on the understanding that the decision of Government to stop further polarization in the interests of the port holds good.

In their Proceedings dated 9th April last No. 99, recorded in G.O. 5th May 1874 No. 337) the Board, after reading Mr Richards' letter "were not altogether satisfied as to whether the reclamation scheme must be given up" and to "and they proposed that the Sanitary Commissioner and the Executive Engineer for Ports and Communications should be consulted. Again in their Proceedings dated 13th July last No. 1801 (recorded in G.O. 5th August 1874 No. 991) they adhere to their opinion as to the desirability of obtaining this information.

Should the Government be inclined

last No. 99, R.D. I wrote minute to call upon the Collector of Vizagapatam to enter into negotiations with the Right Reverend Dr Gell for the surrender of the grant of the swamp at Vizagapatam. The order passed on the 8th May last No. 867 is cancelled.

inclined to consider the grant of possession for charitable purposes would be simply necessary to hold G.D. & Geo. V. c. 37 [illegible] boundaries & effect to be submitted by competent officers.

10/1341.

Cancelled

Ordered in Council
9.10.74 that the
resumption order
shd be held in
abeyance and
that the question
as to how far
the reclamations
wd injuriously
affect the pro-
posed harbour
of Refuge at
be referred for
the opinion of
Capt Digby for
the Master Attend
Dock at Madras

C 30th Sept 74. R 5/10/74

11/1591

An opinion on this question has been
submitted direct to the Chief Secretary
in order to save loss of time - I have
now to request the Officer in charge
of the Lieutenant at Adelaide would
to send this letter with a copy of my
opinion to the Govt Colonists under
whose the record complete -

H. S. C.

2. 10. 74

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1341

31st August 1874.

Re

The swamp land in Virgaum
= patam District granted to
Dr Tresot for reclamation

See Written
H. L. C.

The Honorable
Inr. Advocate Genl.

Will be pleased to advise as
requested in the accompanying
Order of Government dated
6 August 1874, No 991, —
Revenue Department. —

Prichard
Government Sols

13-12-92

10 August 1874.

Re
Swamp Land in the
Vizagapatam District -
granted to the Right-Revd
Dr. J. M. Jacot, for
reclamation -

Rec'd 17 October 1874
& Read -
Office William
25-9-74.

The Honorable
the Advocate General

Will be pleased to advise as
requested in the accompanying
Order of Government dated
6 August 1874, No 991,
Revenue Department -

Prichard
Government Solr

Revenue Department

No 1341.

Proceedings of the Madras Government
Under date the 17th October 1874

Read the following extract
from the Advocate Genera
opinion dated 25th September
1874.

"My advice, therefore,
is that the Collector be
instructed to arrange with
Dr Jacot in an amicable
manner for the surrender
of the rest of the term of
years, leaving the question
of the forfeiture or non
forfeiture of the condition
of this grant in abeyance
and proceeding on the
ground that the Government
considered that the Reclamation was proving detrimen
tal to the Port

Compensation should
be tendered for all actual
outlay, with interest thereon

Labor

labor bestowed, crops, grass and other increment of a like nature attributable to the Bishop's exertions the Collr. should point out to the Bishop that the grant having been acted on and made an inhabitant & profitable grounds, and the public interests now incorporating its abandonment, he cannot with any sort of propriety claim more than the actual loss involved; and that, moreover, he will in all probability get more under friendly compromise than if by a rigid assertion of his rights he drove the Govt. to take up the land under the Land Acquisition Act.

His Excellency the Governor in Council resolves in reference to the foregoing extract to inform the Board for

Communication

In connection with this para - Board recollect the cancelment of former orders was determined upon in Council - but owing to the matter of the opinion of the Conservator of Ports pending his report & proceedings further - Govt. earnestly deprecate adverse direction for the present 13/10 Bd

G.O. 25th February 1873 No 603 PWD
" 8th May 1874 No 567 RD
" 6th August 1874 — 991 —

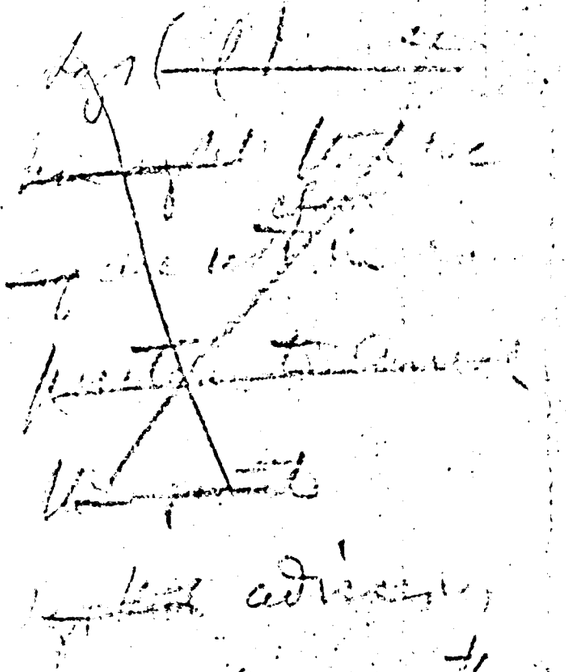
Communication to the Right Reverend Dr. Jesse that the order of the 8th May last No 567 so far as it directs the resumption of the grant will be held in abeyance however before authorizing the Board to act on the Advocate Generals advice His Excellency considers it desirable to refer for the opinion of the Master Attendant at Madras the question how far the reclamation (1) as already carried out and (2) as proposed will injuriously affect the proposed harbour at Vizagapatam.

2. Captain Taylor will have the opportunity of visiting the locality, and with reference to the marginally noted correspondence will submit his views after consulting

consulting the local officials of all Departments on the subject.

Filed

3 To the Master Attendant & Engineer
14 " the Board of Revenue & Bank No.
4 " the Government Solicitor
21 " the Public Works Dept.



Ans. to be issued by the Govt. with the Govt. Solicitor's concurrence on the following terms.

11/11/13

30-7-74

Revenue 1874 Despatch
No 1341.

Proceedings of the
Madras Government
Dated 24 September 1874 --

ordered in Council
16th October 1874

c. 10/10/24
2 15/10/24

242-242A