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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 534	Press ~~Mis.~~
64-65	
Dated 4-3-1867.	

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department, 4th March 1867.

No. 64. Read the following Proceedings of the Board of Revenue, dated 18th January 1867, No. 360.

Read the following letter from the Acting Collector of Madras, to the Secretary to the Board of Revenue, dated Saidapett, 5th December 1866, No. 367 :—

1. I have the honor to submit the detailed information called for at the suggestion of the Board of Revenue in Proceedings of the Government, Revenue Department, dated the 8th of August last, No. 1,989, and which respects the terms of the rents of the chunam shell quarries at the Pulicat Lake to the shell renters, and the terms of the sub-rents they make with sub-renters.

2. The first trace of the rents in my records occurs in Fusly 1254. In that Fusly the quarries on the island of Irukam were let. The quarries on the island of Venadu were first let in Fusly 1263. Those at Chunambokolam, a village on the margin of the lake, were first let in Fusly 1256. Those at the villages of Elavur and Kuruvithaittu, also on the margin of the lake, were first let in this district two years, after the villages were transferred to the district from the North Arcot jurisdiction. At the date of the transfer they were not held under a rent, and it is not known in this Office whether then or at any time previous to the lease in this district, ground had been broken in them; whether in fact they had ever been previously opened at all, and shells taken out.

3. From Fusly 1265 to 1267 inclusive, the quarries at the three villages were let to Venkatachella Mudali and others. From Fusly 1268 to Fusly 1270 inclusive, they were taken by Lieutenant Winscome, Civil Architect, on the part of his department.

4. Until the latter Fusly, the quarries on the islands of Venadu and Irukam were in various private hands on lease. Up to this time there was no stipulation in the leases respecting any of the quarrying sites whatsoever, binding the renters to fill up exhausted quarries. For upwards of fifteen years quarrying was actively carried on both on the islands and in the villages without any precaution being adopted with respect to exhausted quarries.

5. In 1271, Captain Hitchins, on the part of the Department Public Works, took the rent of the quarries in the villages for five Fuslies. I enclose translation of the Muchilkah he gave on the occasion. At the same time, for a similar period, Chenchu Reddi and Ponumbala Reddi took the lease of the quarries on the islands. They executed a Muchilkah identical in terms with the Muchilkah given by Captain Hitchins, and they bound themselves as Captain Hitchins bound himself to a new condition which, for the first time, was inserted in the leases, and which obliged the renter to fill up each quarry as it became exhausted. Neither Captain Hitchins nor the native renters of the island quarries conformed to this condition.

6. The condition remained a dead letter. Mr. Fitzgerald, a subordinate of the Superintending Engineer, and at the date when the contract was taken Manager in (as I apprehend, for the information is not given me exactly,) the Superintending Engineer's Office, writing in reply to a question put at my suggestion by Captain Goddard, says, "I beg to state that while the shell quarries were farmed by the department, the terms of the contract were not conformed to, and that the pits were not closed; in fact they never were closed by previous contractors even."

7. Mr. Fitzgerald is here writing of the management of the department during the interval between the commencement of the contract given by Captain Hitchins, and the date when Somu Chetty began to sub-rent. Somu Chetty took the sub-rent on the 1st of August 1862, for the then unexpired portion of Captain Hitchins' contract, or for three years and eleven months. He had not sub-rented previously at any time. Captain Goddard assures me that Somu Chetty agreed to fill up the exhausted pits in the same manner as his department had agreed. In fact, that the same obligation was accepted by him that had been imposed on the Department Public Works. Mr. Fitzgerald, however, seems to think that the obligation was looked upon by the department as surplusage and a mere form. He says in the Memorandum from which an extract is made in the previous paragraph :—"The contract was given to Somu Chetty under the distinct understanding that he was to farm the quarries, as was done by the department; and as the pits were never before closed, the department did not expect it from him." From this statement it seems obvious that the department did not consider the stipulation as to filling exhausted quarries of importance, and merely transferred it as a matter of routine to Somu Chetty without any strict intention of seeing it carried out.

8. The sub-rent of Somu Chetty expired on the 30th of June last. Hence, as regards time, action against him is not barred by the Limitation Statute. Similarly, right of action against the renter of the island quarries has not lapsed by *efflux of time*.

9. On the 6th of July last, Captain Goddard received the contract for the quarries in the villages for five Fuslies. He has not renewed to Somu Chetty the sub-rent thereof. The islands are no longer in the Madras District; they have been transferred to the District of Nellore. Hence the renewal of the contract for the quarries in them has not occurred in my Office. The contract has probably been let out by Mr. Dykes. Whether Somu Chetty took a sub-rent of the island quarries in the expired contract or not, I am ignorant.

10. I have now replied to the questions in the Proceedings under reply. Having stated the facts of the case, it remains for me to draw attention to the difficulties that seem to me to stand in the way of an action against Somu Chetty. I pass over the difficulty raised by the circumstance stated by Mr. Fitzgerald, the apparent fact that Somu Chetty was *not expected* to fill up the exhausted quarries, and took his sub-rent on that understanding, though it was contrary to the written terms of his engagement. There is an obstacle which is more important.

11. When Somu Chetty received his sub-rent, a deposit was taken from him for the due fulfilment of its conditions in the same way as this Office took a deposit from the Department Public Works for the fulfilment of their contract with the Revenue Department. The deposit, now that his sub-rent has expired, has been returned to Somu Chetty. By this act the Department Public Works has accorded him an acknowledgment that he has complied with the terms of his engagement. By it they have given him a release in full, and I suspect that in law they have thus lost the power to coerce him.

12. There is yet a third objection to an action. A vast number of the quarries were opened when there was no stipulation respecting the exhausted ones.

It will be very difficult, if not impossible, to distinguish these from the quarries opened under the recently expired contract; and if the separation of the two cannot be effected, the *extent of the remedy sought by the action cannot be defined.* A want of definition will be fatal to an action, since there is no need of such a proceeding to shew the original obligation. The only necessity for an action is to make Somu Chetty perform an act to a *definite* extent, and if the extent cannot be defined, there can be, as I apprehend, no action with any chance of success.

13. These are the hindrances to the coercion of Somu Chetty, and I suppose there are the same difficulties with respect to an action against the island renters. Upon this point Mr. Dykes will be competent to speak. When the islands were made over to his district, the deposits given by the renters on taking their contracts were sent to him.

14. There is but one other matter which requires notice. As I am writing upon the subject, and the Government wish to be fully informed upon it, there seems need that I should describe the quarries as they appeared to me when I visited them, which the Board are aware, I did some months back.

15. In my letter to the Board, dated 6th July last, No. 221, I stated I considered the exhausted quarries not seriously prejudicial in their unfilled condition to the salt revenue. Mr. Dykes expressed an opposite opinion. The view that I took of them was that after all they could do no more harm than the large natural hollows all about the lake, and along the banks of both the canals. That if to protect the salt revenue it was really necessary to fill up the open quarries, it was equally necessary to fill up natural hollows, and this it was clear to me from the extent of the latter could never be done.

16. My impression has been strengthened by my visit. As I have already on a recent occasion stated to the Board, some of the quarries are within the water-spread of the lake, a great many close on the margin, and some, I doubt not, a little removed from the lake. I saw some of the quarries at the island of Irukam and at Chunambukolam. When I was on the spot they were all filled with water, and I considered that they always stood so, the water obtaining entrance by percolation, and rising and falling with the tides in the lake. This is certainly the case with respect to the greater part of the quarries at all events, and in consequence of their being thus pervious, the practice in quarrying in them I found to be to exhaust them as they were opened, keeping them clear by baling, while the shell was being taken out. The shells were stored on the margin to be carried away at convenience, and the sand which had lain upon the bed was heaped up there also, but separately.

17. But with respect to the quarries which *may* become dry during the hot weather, because removed from the margin of the lake, and the influence of the water in it. The shells lie in clay. Above the clay and upon the bed of shells is sand. The nature of sand is to be unstable, and no doubt the natural action of the floods covering the quarries during the north-east monsoon would soon cause the sides of the quarries to tumble in, and in this manner fill them up in a comparatively short period, and leave them mere depressions sloping towards the middle; but where this early degradation did not happen, the clay bottom of the quarries would, to a certain extent, hold water, and the quarries act as salt pans.

18. With respect to the quantity of salt that might be expected to be formed in them. We have to consider that even in salt pans where the pans have beds of tamped clay which are purposely rendered as little porous as possible, a very insignificant quantity of salt is deposited by the subsiding of the monsoon floods. I doubt myself whether any new salt is thus formed, but opinions on the subject are conflicting. The fact is, the floods are of brackish water. They are not even of pure salt water, much less of brine, which is the liquid from which saleable salt is produced. The flood water has a different action upon clay from the sea water which is found in the sea when there has been no rain. It decomposes the clay, and causes a vegetable slimy coat to appear on it. This coat becomes, when brackish water which has been standing on it for some time dries up, impregnated with saline particles, and sometimes the salt actually is found in a thin crust overlying it; but this salt is not marketable, and it cannot be made so. It is too full of impurities. Such salt and such salt mud will be found not only in exhausted quarries which dry up, but in all the natural hollows all along the coast. There are considerable lagoons on the islands of Venad and Irukam which have similar bottoms to the quarries. In these they will be found. There is a backwater also with a clay bottom at Pulicat which is dry in hot weather. In this they will be found. There is a large depression with a clay bottom at Kattar, dry in the hot weather; there also they are present. There are numberless clay bottom hollows all along the coast, in all of which they must be. If to protect the salt revenue, it is actually necessary to fill up the quarries equally, will it be requisite to fill all natural hollows under similar conditions.

19. Both the crusts of salt and the saline mud have a certain use, and the Salt Department cannot guard against their employment. They have been used in all times by fishermen for curing their fish. Often the fishermen bury their fish in the mud, in order that they may be saturated with the salt admixture thereof.

20. My opinion is, that it will be expedient not to insist on quarries opened in future being closed.

Enclosure No. 1.—Translation.

1. Ordered that the foregoing letter be submitted for the consideration of Government, with reference to Proceedings of Government, No. 1,989, dated 8th August 1866.

2. The Board agree with the Collector that it is hopeless to attempt the closing of the shell pits already made at Pulicat; and that it is also improvable that Somu Chetty, the late Shell Contractor, can be legally forced to close those opened by him, as it would be impossible to distinguish them from those made previously.

3. The Board consider, however, that the Collector under-estimates the value of the salt formed in these pits, and also the damage sustained by the salt revenue from the smuggling of spontaneous salt, either in the shell pits or natural hollows along the coast. It seems, therefore, advisable that means should be taken to prevent the removal of such salt as may be formed in these pits, and that for the future the contractor should be obliged to fill up the pits.

4. The guard which would be required to prevent smuggling from the old pits, would not in all probability be long required, for, as stated in paragraph 17 of the Collector's letter, the action of the water during the monsoon must in time fill up the pits naturally.

5. With reference to Proceedings of Government, dated 13th August 1866, No. 2,057, the Board are of opinion that the shell contract is far too loosely worded, and should be altered, so as to attach some penalty to the non-fulfilment of its conditions.

6. Captain Goddard, the present contractor, has agreed to abide by any orders which the Board or any constituted authority may issue, and it appears most desirable that, although the old pits cannot, under the circumstances, be filled up, the contractor should bind himself to fill up, as far as possible, all shell pits excavated under his orders, directly the shells have been removed, and that a penalty should be attached to non-performance of the contract.

No. 65. Order thereon, 4th March 1867, No. 534.

Miscellaneous

1. The Government are not satisfied that the salt revenue has suffered to any appreciable extent by the existence of these exhausted shell-pits, and are disposed to think that undue importance has been attached to the matter.

2. They recognize also the extreme difficulty in the way of carrying out any plan for closing them, for it is evident that when the shell deposit has been removed, the superincumbent layer of sand, which was first dug out, will no longer suffice to fill the hollow and restore the ground to its former level, while to dig elsewhere in the neighbourhood to supply the deficiency will merely multiply the excavations.

3. The action of the weather and seasons will probably effect as much as can be done by any attempt at enforcing as a condition of the lease that the pits shall be re-filled, but the Government leave it to the Board to use their discretion in the matter so far as they may deem necessary for the security of the salt revenue.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Revenue Depart. (4)

No. 534.

Proceedings of the Madras Govt. under date the 4th March 67.

Read the following Bo: of the Bd of Revenue -

Submitting with remarks letter from Sy. Coll. of Madras furnishing detailed information called for respecting terms of the counts of the Chinnam Shell quarries at Pulicat on Lake to the shell renters & the terms of the sub-rents they make with sub-renters

(Here enter 18th January 1867 No. 360).

The Govt are not satisfied that the Salt Revenue has suffered to any appreciable extent by the existence of these Lascelles shell-pits and are disposed to think that undue importance

importance has been attached to the matter -

They recognise also the doctrinal difficulty in carrying out any plan for closing them - for it is evident that when the shell debris has been removed the superincumbent layer of sand which was first dug out, will no longer suffice to fill the hollow and restore the ground to its former level, while to dig elsewhere in the neighbourhood to supply the deficiency will merely multiply the excavations -

The action of the weather and seasons will probably effect as much as can be done

done by any attempt at enforcing as a condition of the lease that the pits shall be refilled - but the Board leave it to the Board to use their discretion in the matter so far as they may deem it necessary for the security of the Salt Reclamation

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14 Copies To the Bd of Pub Works

E. Hall

Rec'd 1867 Despatch
Pro of Govt for March

No 534.

Pro of the Madras Govt
Dy 4th March 1867

Pro No 172. 28-2-67.
Sos: 01-12-67.

No. 64765

Passing orders
on the subject of
closing against the Chinnam
Shell pits near the
Pulicat Lake.