37242

CONFIDENTIAL.

Revenue (1897) Department.

G.O., No. 1674 Mis.

Confidential No. 927.

DATED 29th March 1897

[Despatch Abstract.]

Referring to the Hon'ble the Advocate General for remarks (Board's Pro: submitting with remarks) letter from the Collector of Tanjore & the Inam Commissioner's report thereon (on the question (of re-consideration of the orders already passed regarding) the liability to water rate of certain Charitable Inam lands in the Tanjore District

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
GO	1732R	Rev	4-9-96				
GO	4217	Rev	25-10-95				
		"	"				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Confidential

Revenue (1897) Department.

CURRENT No. 2152

Confidential No 25

Issue

List

Order^m^ G 29 March 1897 No 1674.

Referred to the Hon^ble^ the Advocate-General for remarks on the legal questions ~~[illegible]~~ touched on by the Board

from Secy; order

D

21.3.97

The Govt Sol^r^ (A + O)

in original

Desp^d^ 31/3/97

From The Board of Revenue, Rev: Sett: L. R & Agri: Madras.

No. 1780 Mis:

Dated 9th March 1897.

Received 10th "

Registered 10th "

Enclosures 8

Spare copies

Received from Secretary on 10/3/97

[illegible] 11/3/97

SUBJECT.

Submitting for the orders of Government, with remarks, letter from the Collector of Tanjore & the Inam Commissioner's report thereon on the question of reconsideration of the orders already passed regarding the liability to water-rate on certain charitable Inam lands in Koviladi & Tiruchinampundi villages in the Tanjore taluk, Tanjore District.

Recd 5-45 pm

[illegible] 16/3

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Annexure I.

Extract from Column 21 of the Inam Register of Koviladi, Tan~~j~~ore Taluk District.

) Dy: Collector's opinion and recommendation)

Rubegule Venkata Row ,Native Assistantto the Commissioner of Mysore , purchased the land from the mirasidars and appropriated the proceeds thereof towards the support of a choultry for natives ,and a traveller's Banglow for Europeans &c erected at his sol. cost of Rs 18,000. Venkata Row in 1833 made an application to Government soliciting that a favorable assessment may be fixed on his lands in the villages of Koviladi Case No: 3 and Tiruchinampudi case No: 3, and that the same be continued to him in perpetuity ~~an~~ as an endowment for the support of certain buildings erected at Koviladi for the accommodation of all descriptions of travellers. At the recommendation of the Board of Revenue , letter dated 3" September 1835, the Government in their Extracts of Minutes of Consultation dated 30" May 1836 and 28" June 1836 sanctioned the proposed grant subject to the payment of a jodi of Rs 800. The beriz of the lands of Venkata Row in the ~~vill~~ village of Koviladi and Tiruchinampudi is 1,457-10-9.The present beriz is 1522-3-2. The increase is owing to the cultivation of a portion of garden lands with wet previous to the receipt of ~~portion~~ the orders of Government and subsequent to the despatch of the Collector's .eport to Government. The Collector in his order dated 1836 made over the whole extent of land as per columns 5 & 7 to the choultry inclusive of the asami poramboke &c. Copy of the order of Government is herewith submitted.

-:0:-:0:-:0:-:0:-

~~Appeal~~

Exd 6/7/17

7
8
2152

(Sett. 24—2,000—29-10-96.)

Confidential

Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 9" March 1897.

No. 1780 Mis:

READ again B.P., Land Revenue, dated 27" August 1896 No: 2336 R.

Read also letter from the Collector of Tanjore to the Land Revenue Department, dated 1" April 1896 Ref: on C. No: 3275 ver

Read also reference thereon dated 16" April 1896 referring to the Inam Commissioner for favour of remarks the letter read above.

× sent in original to be returned

Read also ~~reply thereto~~ letter from the Inam Commissioner dated 14' December 1896 Dis: No: 813 of '96 replying thereto and ~~and~~ forwarding to the Board in the Land Revemue Department a copy of ~~a~~ letter No: 4514/Rev: dated3" December 1896 from the Collector of Tanjore ~~sin-then~~ since received by him.

Read also reminder from Government R.D. dated 14-11-96 No: 222.

Resolution.

Submitted for the orders of Government.

2. The Collector of Tanjore requests a reconsideration of G.O.No: 4217 Rev: dated 25" October 1895, in which after consulting the Advocate General, the Government decided that the Mukta Izara (Choultry Inam) lands situated in the villages of Koviladi and Trichinampudi in the Tanjore taluk are not exempt from the usual additional charge when a second wet crop is raised on registered single crop land or a wet crop is raised on dry land.

2. The history of the inam is given fully in Mr:

Adawlet , the Board considers that the case under consideration will be governed by the law on the subject, as laid down by their Lordships of the Privy Council, in their judgment in that appeal. In that case.--
" Collector of Masulipatam, Versus, Cavaly Venkatanarayanappah" reported at page 529 of Moore's Indian Appeals Volume 8- one of the issues raised was whether the omission on the part of a Collector to assert the Government right of escheat to a property when the Collector had an opportunity of doing so, estopped ~~it~~ Government from advancing its claim subsequently; and their Lordships disagreeing with the view taken by the Sudder Adawlet at Madras, laid down the law on the subject as follows:-

" The acts of a Government officer bind the Government only when he is acting in the discharge of a certain duty within the limits of his authority, or, if he exceed that authority, when the Government in fact or in law directly or by implication ratifies the excess".

6. Under the law as enunciated above, Mr: Kindersley's grant will not by itself bind Government, but it seems arguable whether the subsequent action of the Inam Commissioner, who had full powers to deal with all inams which came under his settlement, will not amount to a ratification of the Collector's grant such as will bind Government. When the case was originally submitted to Government, the Inam Commissioner expressed his opinion on the subject as follows:-

"Under the terms of the Inam Register and the Title-deeds, there seems to be no objection to the levy of water-rate on dry lands converted into wet and on single crop land when cultivated with second crop, as the Collector's order of 1836 on this subject was unwarranted and not taken into consideration at the time of the Inam Settlement." It will be seen from the Collector's letters now submit[illegible]hat they do not quite support the view taken by th[illegible] the in[illegible]ssioner[illegible]le- in the latter portion of his remark [illegible] the beriz was due, as

* Vide extract of Inam Dy Collector's remarks on the Title D. D. annexure I.

point out that, at the time of the inam settlement, the Inam Commissioner was aware that Mr: Kindersley had not only granted the concession under consideration,* but had also ~~made~~ made over to the inamdars the whole extent of the land connected with the inams inclusive of asami poramboke &c; that it was also reported to the Inam Commissioner that the beriz of the inam lands which was only Rs 1,457-10-7 at the time the grant was recommended by the Collector, had subsequently increased to Rs 1,522-3-2, which increase was reported by the Inam Dy: Collector to be due to the cultivation of a portion of garden lands with wet previous to the receipt of the orders of Government and subsequent to the despatch of the Collector's report to Government; and, they proceed to argue, that as the Inam Commissioner confirmed the inam at the original quit-rent of Rs 800, without charging any additional jodi on account of the increased beriz, that officer's action was tantamount to a ratification of the Collector's grant. The present Inam Commissioner at first expressed the view (Vide his letter to the Collector of Tanjore dated 1" July 1896) that, as the increase in the beriz was stated by the Inam Dy: Collector to be due to the cultivation of a portion of garden lands with wet crops, the Inam Department might have thought that the Revenue Department would be levying the water-rate due thereon and might therefore have left that charge untouched. This view does not quite fit in with the case, as ~~admittedly~~ presumably the Inam Commissioner ~~knew~~ must have known at the time of the Inam Settlement that the Inamdar paid no water-rate in addition to the quit [illegible] of Rs 800. Moreover, as pointed out by Mr: Andre[illegible]ess in the beriz was not due to water-rate lev[illegible]en lands, but to the conversion of certain garde[illegible]nto wet. Mr: Andrew proceeds to observe that part[illegible]rs of the garden lands cultivated with wet crops cannot be gathered; but, on comparing the areas as entered in Mr: Kindersley's letter to the inamdar, dated 3-11-36, with the areas as given in the inam title-deeds, it appears that the increase in the beriz was due, as stated by Mr: Andrew, to the conversion of certain garden lands to wet -Vide figures in the margin.

A ✗

	As per Collector's letter dated 3-11-96.		As per inam Title Deed.
	Veli.Ma.Guli	-Acres	
wet	34 - 4 - 83&13/16	=22~~8~~6	acres 254.15
Dry	....		.. 1.09
Garden	17-9-99&3/16	= 115.34	.. 90.38
Tope	0.-3-30&3/4	-- 1	
Total		342	345.62
Beriz	Rs 1457-10-9		1522-3-2.

7. The present Inam Commissioner, however, does not concur in the view taken by Messrs: Stokes and Andrew. The Inam Commissioner writes (Vide his letter to the Board of Revenue No: 813 dated 14" December 1896) . "If the Inam Settlement takes place after the completion of the Revenue Survey and Settlement, when the correct extent and assessment of the holding is determined, the charge for the excess extent and water-rate for the Tirwajasti and fasaljasti is determined and charged. If the Inam Settlemnt takes place before the Revenue Survey and Settlement, this is left to be done by the Revenue authorities. Accordingly, in the cases in question, the Inam Commissioner does not appear to have taken into consideration the question of water-rate in confirming the inams on the existing jodi". The Inam Commissioner concludes this letter as follows:-

" It is observed that there is nothing in the inam ~~reg~~ register or ~~ig~~ in in the correspondence on the subject either disallowing Mr: Kindersley's order of 1836 or ratifying the same". It is true, as observed by the Inam Commissioner, there is no express ratification or disallowance of Mr: Kindersley's order; but the question is whether the Inam Commissioners procedure was not equivalent to an implied-~~rati~~ ratification of the grant. That officer has recorded in the title deeds issued by him a larger area and beriz than were found entered in Mr: Kindersley's report. In regard to the explanation furnished for the increase in area, namely, that the Collector had made over to the Choultry the whole extent of land as per columns 5 & 7 of the Inam Register, inclusive of asami poramboke &c, the Inam Commissioner appears to have accepted the Collector's order; while as regards the increased beriz, which was reported to be due to the cultivation of a portion of garden lands with wet, it would seem a legitimate inference, in the absence of any other correspondence than that referred to in the Inam Dy: Collector's report, that the Inam Commissioner considered the increased beriz due to extension of wet cultivation to be covered by the concession granted by the Collector. This is the view taken by Messrs: Stokes and Andrew, and, as the view does not appear to be unsound, the Board begs to support Mr: Stokes' recommendation in the concluding sentence of para 5 of his letter dated 1" April 1896 that, before passing final orders, the question as to how far the proposed water-rate charge is legally ~~levy~~ leviable may be fully considered.

8. Another point in favour of the Inamdar is referred to in para 4 of Mr: Stokes' letter. He writes " Another, and, as it seems to me, a by-no-means insignificant point in favor of the petitioner is that the channel in dispute is a private channel dug with permission and that it has always been recognised that no further charge can be made by Government in such cases. Under the assurance given him by the highest Revenue and D.P.W. authorities of the time, he dug this private channel at a considerable outlay and was reaping the fruits thereof for a long time. To say that " the outlay on improvements has been sufficiently repaid by the long immunity from water-tax hitherto enjoyed" seems to me to take an entirely erroneous view of the position and to be one opposed to the repeatedly declared policy and orders of Government. It had been the avowed policy of Government not to tax the ryots' own improvements and I fail to see how in

the present case any charge can be demanded on account of water running down a private channel constructed under sanction given by public officers". There appears to be some misconception here,. The channel dug by ~~by~~ the Inamdar at considerable outlay was intended for the irrigation of certain ~~high-level~~ "taraf" (Government or ryotwar) lands situated on high level in one of the villages (Koviladi). The Inam lands as also some other (taraf)lands in the villages of Koviladi and Tiruchinampudi are irrigated by an old channel,not dug by the inamdars; and the question of levying charge for water relates to the water flowing in the old and not in the new channel.This will appear from the correspondence printed with B.P. No: 847 dated 28" March 1878 and from paras 9-11 of Dewan Bahadur R. Ragunatha Row's letter to the Board dated 10" August 1894.For ready reference, those paras are extracted in the margin .It will be seen therefrom that Dewan Bahadur Ragunatha Row's contention is that as the new channel was dug in view to relieve a portion the demand on the old channel,the latter should be treated as his private channel subject only to certain liabilities in the way of supplying irrigation to certain lands(other than the inam lands) in the two villages but with full right to the inamdars to extend irrigation from the canal without having to pay any additional charge therefor. The Dewan Bahudur's claim to have the old channel treated as his private channel is inadmissible, inasmuch as the channel irrigates in addition to the Inam lands other lands held by Government

" 9. The aforesaid lands (Viz Inam lands) together with other lands of the aforesaid villages usedto be originally irrigated by a channel.It was too deep for irrigation of other lands than those which were cultivated in 1835.The ryots attempted to dam it and raise the level of the water therein for the benefit of their lands on higher levels.This led to quarrels innumerable. It was then proposed by then Captain H.C.Cotton and now Sir H.C.Cotton, that for the irrigation of other lands than the aforesaid shrotriem lands of mine and such lands as could not be irrigated by any other canal than this , a separate canal should be allowed and that my father should pay its cost so that the former canal might be considered as shrotriem canal. My father accepted this offer and paid the cost of the excavation of the canal, since known as Taraf ~~ca~~ canal. The old canal has since then become my own canal, subject to liabilities above described and has been maintained at my expense without any expenditure of Government money.

10. In 1877-78 the then Collector thought that the canal, like any other canal of Government, was public property and therefore called in question the practice hitherto prevailed of my using it as my own.

11. The matter came before the Board of Revenue who passed an order on my appeal petition on the 28" March 1878 No: 847, overruling the view of the Collector and declaring it to be my property, subject of course to the aforesaid liabilities".

ryots; and the fact (assuming it is a fact) that the channel has been maintained at his expense without any expenditure of Government money cannot make the canal his private property. A claim of absolute right to the canal was advanced by Dewan Bahadur Ragunatha Row in 1874-75, as will be seen from the correspondence ~~pri~~ printed with B.P. No: 847 dated 38" March 1878 and that claim was rightly disallowed by the Board. The Inamdars' claim for free use of the water of the channel without the liability to pay extra charge , stands on a different footing as has already been pointed out. In arriving at a decision on this claim, there is an additional point which appears to the Board to be worth taking into consideration; and that is, that if the inam lands are ~~declar~~ declared to be liable to charges X of fasaljasti and Tirwajasti, Government may have to incur the cost of maintaining the canal and it is a question for consideration whether Government would on the whole be a gainer by the change.

R. V. Srinivasai
Secretary

To the Secretary to Govt, Rev: Deptt,
with enclosures in orig. to be returned

Exd 9/3/15

C n 2152 of 97

~~Hon'ble Mr H. W. Bliss C.I.E~~
~~Hon'ble Mr J. Grose C.I.E~~

For orders

With the current read above, the Board of Revue submits a letter ~~from~~ which Mr (now Hon'ble) Stokes wrote as Collr of Tanjore in April 1896 in which he requested a reconsideration of the decision arrived at in G.O No 4217 dated 25th October/95. In that order the Govt said after consulting the Advocate Genl that the Mukta Izara Inam lands situated in the villages of Koviladi and Tiruchinampundi in the Tanjore Taluk are not exempt from the imposition of the usual additional charge when, with the aid of Govt water, a second wet crop is raised on registered single crop land or a wet crop is raised on dry land.

The History of these Inam lands and the circumstances under which they were granted to the father of Dewan Bahadur R. Raghunadha Rao to form an

Secy

Before discussing the merits of this case I submit that it is desirable to refer the papers to the Advocate-General for remarks on the legal questions raised by the Board.

U.Pr. 26/3/97

DD 26-3-97

Office

I do not understand why this was put in an "urgent" file

DD 2/1/97

See Rough memo

why then did you take 14 days to prepare a note explain

DD 3/1/97

Sir

As this reference has been long standing against the Bd and it is got after several reminders have been spent it is thought the matter shd be treated urgent except by yourself !!!

nr.

Cml 3/1/97

endowment of the choultries and Bangalow which he constructed for the convenience of travellers, European and Native, are clearly set forth in the B.P. disposed of in G.O. No 3949 dated 12th October/94 and the views of the Hon'ble members of Govt. are expressed on the office note stitched with it.

The grounds urged for a reconsideration of the order are:-

(i) That the exemption has been enjoyed undisputedly for the last 60 years, that it is inexpedient on grounds of public policy alone to call in question the orders issued by a responsible officer of Govt. and that to repudiate the concession after this interval of time, would be a breach of faith.

(ii) That as the concession was practically ratified by the Inam Commissioner in 1864 when he issued the title deeds for the Inams, it could not now be withdrawn.

This aspect of the question, the Board submits, does not appear to have been considered before fully on its merits. It is no doubt true that no allusion was made to the action taken by the Inam Commr in the order of reference made to the Advocate General. Mr. Gibson towards the end of his note wrote thus:- "That there has been blundering all through this business "seems plain enough, but it is "quite possible that matters may "have been set right if the Inam "Commr had made a reference "to Govt. instead of issuing a title "deed, with the usual endorsement "as to redemption"

This is only casual observation and no discussion was raised upon the point.

The Board submits that the Advocate General's opinion is based on certain English cases on the subject and refers to the case, Collr of Masulipatam v Cavaly Venkatanarayanappa, reported at page 529 of Moore's Indian Appeals vol VIII.

In this case their Lordships of the Privy Council observed thus. The acts of a Govt. officer bind the Govt. only when he is acting in the discharge of a certain duty within the limits of his authority or if he exceed that authority, when the Govt. in fact or in law, directly or by implication, ratifies the excess."

The Board of Revenue has fully considered this aspect of the question at great length and agrees with Messrs Stokes and Andrews in considering that the procedure of the Inam Commr in 1864 was equivalent to an implied ratification of Mr Kindersley's order of 1836. This being a question of construction to be put upon the Inam Register, it is submitted that the papers should again be sent to the Advocate-Genl for opinion

The question whether the Inam lands of the endowment are irrigated by the old channel or the new one dug at the expense of the Inamdar is a question of fact which it is submitted can only be decided by the local inspection and inquiry

Ad/ 26/3/97

Confidential

Revenue (1897) Department.

D.O. CURRENT No. 103

From The Hon'ble V. Bashiyam Aiyangar

Order

Lodged with ref. to the following D.O.

29-5-97.

No.

Dated 23 May 1897

Received 27 "

Registered "

Enclosures

Spare copies

SUBJECT.

Requesting to be furnished with certain papers.

Dear Sir

With ref. to your D.O. of the 23rd Instant I send herewith G.O. d/ 25 October 95 No 4217 Mis in original. Kindly return ~~for~~ the letter from the Collector of Tanjore d/ 1 April 96 forwarded to you in original with G.O. d/ 29 March 97 No 1674 Mis to enable me to send you the other papers asked for.

28.5.97 28/5/97

C.R. 29/5/97. Note. The Madras office has been written to for the order of 1836.

BACK PAPERS.

G.O.	No.	Department.	Date.

D. O.

Confidential

Madras
23rd May 1897.

Dear Sir

Before expressing my opinion on the question referred to me in G. O. No. 1674 dated 29th March 1897 Mis. I consider it desirable to refer to the following papers in order that I may comprehend exactly the question of law arising in the case and have before me all the materials on which the decision of the question may depend.

I shall therefore be much obliged by your furnishing

Ack 24/3/97

Note for Secretary

Revenue (1897) Department.

Do CURRENT No. 115

From
The Hon'ble V. Bashiyam Aiyangar

Order

No.

Dated 2nd June 1897
Received 3rd June 1897
Registered ~
Enclosures
Spare copies

Inam title deeds & Inam register received from the Collector on the 10th July 18

12/7/97

SUBJECT.

Requesting to be furnished with certain papers re. Dewan Bahadur Raghunatha Rao's Choultry inam in the Tanjore district & also with ~~certain~~ information regarding ~~the extent~~ &c. of the inam lands.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.

Confidential

Madras
2nd June 1897.

D. O.

Dear Sir

I received your D. O. dated the 28th Ultimo and G. O. No. 4217 Mis dated 25th October 1895 therewith forwarded.

2 This G. O. throws no light whatever on the matter and refers only to an erratum sent by the Advocate General in respect of his opinion of the 29th October 1894. What I want is the G. O. the substance of which is given in para 2 of the Board's Proceedings No. 1780 Mis dated 9th March 1897; but the reference given to the G. O. in the said paragraph can not be right.

3 Annexed is a revised list of the papers I want and for facil of reference I return all the

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Note for Secretary

Point out the course of this correspondence & send him a printed copy.

Ragunatha Rows Inams in Tanjore.

The Advocate General wants some more papers about this matter & asks some questions. The ~~fo~~ matters will be dealt with seriatim as noted in his D.O.

Para 2 of the D.O. The G.O. sent to the Advocate Genl is the one he wants. He is mistaken about. Govt wanted to know whether they could charge for water in spite of Mr Kindersleys guarantee that no extra charge would be levied for 2nd crop or for wet crops on dry or garden land. The Advt Genl ~~at~~ at first said his answer was ~~answered~~ in the negative. Then he corrected himself & said he meant "in the affirmative". In G.O. 4217 of 25 Oct 1896 this correction was communicated to the Board "for information & guidance". Of course this is the usual way of telling the Board to take action.

this may be explained. it is submitted, to the Adv. Genl.

It is certainly the G.O. that the Bd refers to in para 2 of B.P. 1780 d/ 9 Mar 97.

Para 3 of the D.O. These papers are all put up & may, it is submitted, be sent to the Adv Genl.

Para 4 of the D.O.

The Adv Genl wants to know whether the addl charge proposed to be levied over & above the jodi of [illegible] is only the water cess under Act VII of 65 or enhanced assessment consequent upon the recent revision of settlement in the District or partly one & partly the other.

It is obvious that if Govt are going to charge anything & repudiate Mr Kindersley's pledge, Govt wants to know what it can legally charge. It is submitted that the Adv Genl may be asked to give his opinion as to the legality of the charge on the three suppositions or separately.

Para 5 of the D.O.

The Advocate Genl wants to know the actual extent of ~~the lands~~ at present ~~under~~ of the different descriptions of the land so as to compare them with the extents entered in the title deeds.

These extents are given in Mr Winterbotham's letter (para 5) stitched to G.O. d/ 12 Oct 94 Rev. No 3949.

Para 6 of the D.O.

The Advocate Genl wants to know whether extents in the title deeds represent the extent at the time of the grant or those at the time of the Inam settlement.

The original grant papers do not give the extents. Apparently the extents in the title deeds are the extents at the time of the Inam settlement. But the Bd may be asked.

13.7.97

The extra charge may be

1 Water rate under Act VII of 65.

2. Second crop charge at ½ 1st crop rate in Inam Regr.

3. There is no question of enhancement due to late Settl.

14/7/97

See also the Inam register.

14/7/97

The extent of the original grant & as entered in the Inam Regr the Inam [illegible] available here

14/7/97

24/3/97

To the Hon V. Bashyam Ayyangar
Avergal Ag Advocate Genl

Type very carefully & sharp & show put to me before sending to Secy for signature
15.7.97

Desp. ~~with the encl.~~ per ~~reg~~ registered post. 16/7/97

Dear Sir

With reference to your D.O. of 2 June 1897:—

(1) The reference to G.O. No 4217 Mis dated 25th Oct 95 made in para 2 of B.P. No 1780 Mis of 9 March 1897 is ~~not~~ correct. Probably your misapprehension arises from the chain of correspondence not having been clearly brought to your notice. The papers are connected as follows.

Original enclosed.

In G.O. of 12 Oct 94 No 3949+ the Govt referred to the then Advocate Genl certain questions connected with Dewan Bahadur Ragunatha Rau's chowltry inam in the Tanjore district. One of these questions was worded as follows "Whether, not-"withstanding the (unauthoriz order of Mr Kindersley exempting the inam lands from extra charge on account of 2nd crop

raised on ~~dry~~ single crop land or of "
wet crop raised on dry "
or garden land, such charge "
may now be levied".

The ~~Advt~~ Genl in giving his opinion stated that he answered the above question "in the negative". The Advocate Genl's opinion was communicated to the Bd of Rev with remarks in G.O. No 82 d 11 Jan 1895+ + original enclosed.

The Board of Rev thereupon pointed out that the Advocate Genl's opinion on the point referred to was not in accord with his reasons for that opinion. The Govt referred ~~to~~ the Bd Procs to the Adv Genl ~~who thereupon~~ in G.O. No 899 d 28 Feb 95.+ +original enclosed

The advocate General replied that ~~it~~ the concluding word of his former opinion should be "affirmative" not "negative". Govt in its order No 4217 d 25 Oct 95+ original enclosed communicated this fact to the Bd for information & guidance. The Bd with Procs No 5466 Mis d 31 Oct 95+ orig enclosed. forwarded it to the Collector of Tanjore for information & guidance. In other words the Collector of Tanjore was told to take action on the revised opinion of the advocate Genl.

Para 2 of B.P. No 1788 Mis d 9th March 1897 is possibly misleading in as much as Govt did not express its decision in the words therein set forth but merely by the usual official ~~cant~~ expression "communicated for information & guidance" which occurs in G.O. No 4217 d 25 Oct 1895. I trust the matter is now clear.

(2) The papers you ask for are included ~~in the~~ among those now sent as per list enclosed.

(3) The additional charge proposed to be levied is of two kinds (a) water rate under Act III of 1865 & (b) second crop charge at half the 1st crop rates in the main Register. There is no question of charging any enhanced rate due to

the late Settlement.

(4). The actual extents at present of different descriptions of the land are given in para 5 of Mr Wynter Botham's letter stitched with G.O. No 3949 d/ 12 Oct 1894. See also the inam register for the extents entered in the title deeds.

(5) ~~It is not definitely known whether~~ The extents in the title deeds represent the extents at the time of the main settlement.

2. An early opinion is requested.

15.2.97

15

Enclosure.

List of papers sent.

1. E.M.C. No 1135 d/ 15.9.1885 (original)
2. E.M.C. No 1152 d/ 3.11.1835 (original)
3 E.M.C No 142 d/ 16.2.1836 (original)
4. E.M.C. No 389 d/ 5.4.1836 (original)
5. E.M.C No 692 d/ 28.6.1836 (original)
6. G.O. No 3949 d/ 12 Oct 1894 (original) stitched with this G.O. i.e. B.P. No 4737 d/ 23 Aug 94 & Mr Wynter Botham's letter No 1755 d/ 25th July 1894
7. G.O. No 82 d/ 11 Jany 1895 (original)
8. G.O. No 899 d/ 28 Feby 95 (original)
9. G.O. No 4217 d/ 25 Oct 95 (original) with Rev Secy D.O. d/ 28 May 97. C No 1702 i.e stitched with this G.O.
10 B.P. Mis No 5466 d/ 31 Oct 95 (copy)
11. G.O. No 1782 d/ 4.9.96 (original) stitched with this G.O. i.e. B.P. Mis 2336 R d/ 27 Apr 96 & main Commrs letter R.C. No 312 d/ 20 Aug 96.
12 G.O. Mis No 1674 d/ 29 March 97 (with Enclos)
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