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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No. 645 (9) Press
Mis.

Dated 24-2-1877.

Not to be folded or roughly handled

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Read the following papers:—

No. 627. From Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Fort St. George, 9th January 1877, No. 367—W.

I HAVE the honor to forward, for the orders of Government, the correspondence noted in the margin between this office and the Executive Officer, Carur Division, on the subject of a payment which he proposed to make to the Collector of Coimbatore as Administrator of the Local Jungle Conservancy Fund for certain trees said to have been planted at the expense of that fund on the banks of an irrigation channel.

2. It will be seen from the last of the letters quoted (No. 32 of 19th December 1876, from the Executive Officer, Carur Division,) that the trees stand on ground which has always been considered as appertaining to the irrigation channel in question, and therefore not the property of the Jungle Conservancy Fund. I believe that a private individual planting trees on the property of another does not thereby acquire any property in the trees; and it seems to me very doubtful whether the claim put forward on behalf of the Jungle Conservancy Fund can be sustained. If this claim is admitted, other claims of a like nature will probably be put forward, and it may become necessary to investigate the ownership of the trees on the banks of canals and by the sides of roads throughout the Presidency.

3. I respectfully request that I may be favored with the orders of Government on this matter.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, dated Carur, 18th November 1876, No. 28.

I HAVE been directed to pay to the Sub-Collector a sum of Rupees 159, being the value of certain palmyrah trees planted on the bank of an irrigation channel, but which trees have recently been handed over to the Public Works Department, I request to be informed how the payment should be made, in cash or by transfer?

From Lieutenant C. H. P. CHRISTIE, R.E., Deputy Examiner of Public Works Accounts, to J. NICHOLSON, Esq., Executive Officer, Carur Division, dated Fort St. George, 27th November 1876, No. 98 C.I.

WITH reference to your letter No. 28, dated 18th November 1876, I have the honor to inquire how it is that the trees have to be paid for, and how the trees have since been handed over to Public Works Department.

Please explain the transaction fully.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, Madras, dated Carur, 29th November 1876, No. 30.
In reply to your letter No. 98 C.I., dated 27th November 1876, I beg to report that the trees were some years ago planted on the Pullapolliem channel bank by the Revenue officers,

*Proceedings of the Madras Government, Public Works Department,
24th February 1877. No. 645.*

the cost being paid from Jungle Conservancy Funds; in carrying out improvements to this irrigation work, from irrigation funds, the channel bank has been fenced with a row of palmyrah trees, and it has been thought advisable for this department to have charge of all trees growing on the bank to prevent dispute between the two departments as to which own the trees.

From Lieutenant C. H. P. CHRISTIE, R.E., Deputy Examiner of Public Works Accounts, to J. NICHOLSON, Esq., Executive Officer, Carur Division, dated Fort St. George, 14th December 1876, No. 104 C.I.

With reference to your No. 30 of 29th November 1876, I have the honor to inquire whether the trees, for which it is proposed to pay compensation, stand on land which has always been considered as appertaining to the channel, and as such in charge of the Public Works Department, or whether they stand on additional land recently acquired.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, Madras, dated Carur, 19th December 1876, No. 32.

In reply to your No. 104 C.I., dated 14th December 1876, I beg to report that the trees stand on land which has always been considered as appertaining to the channel. I think the charge cannot be taken as compensation, since it would be a payment to the Revenue Department for the actual cost incurred by them in planting the trees.

No. 106.

REFERRED to the Collector of Coimbatore with the request that he will explain the nature of his claim.

16th January 1877. (Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government, P.W.D.

No. 627-A. From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Secretary to Government, Public Works Department, dated Coimbatore, 14th February 1877, No. 26.

With reference to your office endorsement No. 106 of 16th January, (herewith returned,) requesting me to explain the nature of the claim to a payment by the Public Works Department for the value of trees planted from Jungle Conservancy Fund on the Pullapolliem Channel in Carur Taluq in 1872, but which were taken charge of by the Public Works Department in 1876, I have the honor to enclose a copy of a letter from the Sub-Collector, No. 23 of 30th January 1877, explaining the nature of the claim, with which I concur.

2. I would observe that the Jungle Conservancy Fund is composed of items of revenue derived entirely from trees on Government waste and Poramboke lands, Imperial property, and it is utilized in improving such lands by plantations wherever needed. When the trees were planted on the Pullapolliem Channel by the Revenue authorities, the bank was Government Poramboke, and legitimate ground to plant upon from the Jungle Conservancy Fund. The expenditure was incurred from this source, and the fund was clearly entitled to the results of the outlay. It is on these considerations that the proposal of the Superintending Engineer that his department should pay for the trees planted from Jungle Conservancy Fund, and undertake the

*Proceedings of the Madras Government, Public Works Department,
24th February 1877. No. 645.*

future planting of the bank, was approved by me. So the amount of Rupees 159 agreed to be paid is clearly due to the Jungle Conservancy Fund.

From G. McWATTERS, Esq., Acting Sub-Collector of Coimbatore, to A. WEDDERBURN, Esq., Collector of Coimbatore, dated Erode, 30th January 1877, No. 23.

In reply to your memorandum, dated 19th instant, No. 141, enclosing correspondence* connected with the payment of compensation for certain trees planted on the Pullapolliem

* Herewith returned.

channel, I have the honor to state that, I think, the Public Works Department should pay the amount already settled, viz., Rupees 159.

2. These trees were planted out of the Jungle Conservancy Funds in 1872 for the public benefit, and it was only in 1875, or three years after, that in pursuance of a Government Order apparently of that year, entrusting the planting of irrigation channels to the Public Works Department, that the Range Officer, Mr. Nicholson, suggested to the Tahsildar that the further planting of trees on this channel bank had better be left to him, and it was only in March 1876 that the Superintending Engineer requested that the trees planted in 1872 out of the Jungle Conservancy Funds should be taken over at a valuation.

3. I do not so see, therefore, why the Jungle Conservancy Funds are to be defrauded by giving the Government Order referred to by Mr. Nicholson *retrospective effect*.

4. The opinion as to the result of one man planting trees on another's land, expressed by the Examiner of Public Works Accounts in paragraph 2 of his letter, is altogether unsound, and has no bearing, even if sound, on the present dispute. Compensation in such cases is always allowed.

No. 628. ORDER THEREON, 24th February 1877, No. 645.

IRRIGATION, No. 63.

Account.

PAYMENT of Rupees 159 for the trees as a charge against Ordinary Agricultural, Original Works, is sanctioned.

2. This sanction has been registered as No. 335—I of 1876-77.

(True Extract.)

Lieut.-Colonel, R.E.,
Secretary to Government.

To the District Engineer, Coimbatore.

- „ Collector of Coimbatore.
- „ Chief Engineer for Irrigation.
- „ Examiner of Public Works Accounts.
- „ Revenue Department.

Erd. S. T. Austin.

Spare Copies

No 28

To

Carur Range Office
Carur 18th November 1876

5

The Examiner of
P. W. Accounts
Madras

Sir,

I have been directed to pay
to the Sub Collector a sum of Rupees
159 being the value of certain palmyra
trees planted on the bank of an
irrigation Channel, but which trees
have recently been handed over
to the Public Works Department, I
request to be informed how the
payment should be made, in Cash
or by transfer?

I have &c
Signed John Nicholson
Executive Officer
(True Copy)

Wm. J. J. Chief Clerk
Office of the Examiner P. W. Accounts.

W. J. J.

MP
9/11/76

Handwritten notes at top left of the left page.

R.W.D.
10 JAN 77
No. 206

Handwritten notes in the middle left of the left page.

Main body of handwritten text on the left page, including a vertical note on the right side of the text block.

Handwritten notes at the bottom left of the left page.

Handwritten notes at the bottom left of the left page.

FROM

THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

TO

The Executive Officer
Carus Division

PORT SAINT GEORGE, 24 November 1876

Sir,
With reference to your letter
No 28 dated 18 November 1876, I
have the honor to enquire how it is
that the trees have to be paid for
and how the trees have since been
handed over to P.W. Department.
Please explain the transaction fully

I have to
Signed C. H. P. Christie Lt. Col.
By. Examiner P. W. Accounts
(True Copy)

Chief Secy
Office of the Examiner P. W. Accounts

Handwritten initials at bottom left of the right page.

Handwritten initials and date at bottom right of the right page.

P.W.D.

10 JAN 77

No. 206

Carur Kange Office
Carur 29 November 1876
9

No 30

To

The Examiner of
Public Works Accounts
Madras

Sir,

In reply to your letter No 9803
dated 24 November 1876, I beg to
report that the trees were some
years ago planted on the Pulla-
polliem Channel bank by the
Revenue Officers the cost being
paid from Jungle Conservancy Funds;
In carrying out improvements to this
irrigation work, from Irrigation funds,
the Channel bank has been fenced
with a row of palmyrah trees and
it has been thought advisable

11
for this Department to have charge
of all trees growing on the bank,
to prevent disputes between the
two Departments as to which
own the trees.

I have so
Signed John Nicholson
Executive Officer
(True Copy)

Read by Chief Secy
Office of the Examiner P. W. Accounts

469
9/1/77
AP
9/1/77

P.W.D.
10 JAN 77
No. 208

[Cr. Wks. Form No. 1.]

No. 104 C.I

13

FROM

THE CONTROLLER,
PUBLIC WORKS ACCOUNTS,

To

The Executive Officer
Canal Division

FORT SAINT GEORGE, 14 December 1876

Sir,

With reference to your No. 30 of
29th November 1876, I have the honor to
enquire whether the trees, for which it
is proposed to pay compensation, stand
on land which has always been
considered as appertaining to the
Channel, and as such in charge
of the P. W. Department, or whether
they stand on additional land re-
cently acquired.

I have to

Signed C. H. P. Christie Esq. R.E.

Dy. Examiner P. W. Accounts

(True Copy)

Respecting Chief Secy

Office of the Examiner P. W. Accounts

NY- 204

№ 32

Carus 19 December 1876

15



The Examiner
Public Works Accounts
Madras

Sir,

In reply to your N^o 104 C.I.
dated 14th December 1876, I beg to
report that the trees stand on land
which has always been considered
as appertaining to the Channel, I
think the charge cannot be taken
as compensation, since it would be
a payment to the Revenue Department
for the actual cost incurred by them
in planting the trees.

I have so
Signed John Nicholson
Executive Officer
(True Copy)

Minor Chiefs too!!

Office of the Examiner P. W. Leeds

9/11/17

P.W.D.

10 JAN 77

200

From

THE CONTROLLER,

To

The Secretary to Government,
Public Works Department.

FORT SAINT GEORGE,

9th January 1877

Enclosures 5

Letter from the Ex^o Officer
Carar Division No 28 of
18 Nov 1876
" Examiner P. W.
Accounts No 98 C. P. of
27 Nov 1876
" Ex^o Officer
Carar Division No 30 of
29 Nov 1876
" Examiner P. W.
Accounts No 104 C. P. of
14 Dec 1876
" Ex^o Officer
Carar Division No 32
of 19 Dec 1876

Office and the Executive
Officer, Carar Division,
on the subject of a
payment which he
proposed to make to
the Collector of Com-
batore as Administrator
of the local Jungle
Conservancy Fund, for certain trees said
to have been planted at the expense
of that fund on the banks of an Irrigation
Channel.

2. It will be seen from the last of the letters quoted (No. 32 of 19th December 1876 from the Executive Officer, Carior Division) that the trees stand on ground which has always been considered as appertaining to the Irrigation Channel in question, and therefore not the property of the Jungle Conservancy Fund. I believe that a private individual planting trees on the property of another does not thereby acquire any property in the trees, and it seems to me very doubtful whether the claim put forward on behalf of the Jungle Conservancy Fund can be sustained. If this claim is admitted, other claims of a like nature will probably be put forward, and it may become

Coimbatore Sub Collector's Office
1/2-77-
necessary to investigate the ownership of the trees on the banks of Canals and by the sides of Roads throughout the Presidency.

I respectfully request that I may be favored with the orders of Government on this matter.

I have the honor to be,
Sir,
Your most obedient Servant

Lowry-Jordon

Examiner P. W. Accounts

From P.W.D. 18-1-77

To
The Examiner
Public Works Accounts
P.W.D.
10/1/77
No. 208

No. 106.

Referred to the collector of Coimbatore with the request that he will explain the nature of his claim.

Comd. Major Genl. R. S. Leys. C. S. D.
16 Jan 1877

To The Secretary to Government
Public Works Dept.

Dated 9th January 1877
Received

No. 3670
Enclosures 5

Subject

Forwards for orders
certain correspondences
on the subject of a
payment which is to
be made to the collector
of Coimbatore for certain
trees planted at the
expense of the Jungle
Conservancy Funds.

Sub collector
for report
L2

Coimbatore Sub Collector's Office
No. 23. Dated 30 January 1877
21

From
G. McWatters Esquire,
Ag. Sub Collector of Coimbatore.
A. Wedderburn Esquire,
Collector of Coimbatore.

Herewith
returned

Sir,
In reply to your memo dated
17th Inst, no. 141, enclosing correspondence
concerning the payment of
compensation for certain trees planted
on the Palla-pollim channel, I
have the honor to state that I
think the P. W. Department should
pay the amounts already settled,
viz. Rs 159.

2 - These trees were planted out of
the Jungle Conservancy Funds in
1872 for the public benefit and
it was only in 1875 or three years
after that in pursuance of a G.O.
apparently of that year entrusting
the planting of irrigation channels
to the S. P. W. that the Range Officer

Mr Nicholson suggested to the
Sahildas that the further planting
of trees on this channel bank
had better be left to him and it
was only in March 1876 that
the Superintending Engineer requested
that the trees planted in 1872
out of the jungle Conservancy
funds should be taken over at
a valuation. -

3- I do not see therefore why
the jungle Conservancy funds
are to be defrauded by giving the
G.O. referred to by Mr Nicholson
retrospective effect. -

4- The opinions as to the results
of one man planting trees on
another's land expressed by the
Examiner of P. W. Accounts in
para 2 of his letter is altogether
unsound and has no bearing on
if sound on the present dispute.
Compensations in such cases.

is always allowed. -

23

I have &c.
Wm. G. McWatters
Ag. Sub. Collector. -

(True Copy)

J. Milner
for Collector. -

P.W.D.
165377
No. 1642

Copy of letter from
the Sub Collector, Coimbatore,
to the Secretary to Government,
P.W. Department, dated 30th January
1877, stating that
the Sub Collector, Coimbatore,
consents to the trees
in Pullapollam channel.

Enclosed from the
Collector of Coimbatore, to
the Secretary to Government,
P.W. Department,
dated 14th February 1877.
1896.

Per 24th Feb 1877 J.B.L. 627

No. 26. Coimbatore Collectors Office.
14th February 1877.
recd 15th. 25

From
A. Wedderburn Esquire,

Collector of Coimbatore -

The Secretary to Government -
P.W. Department - Madras.

Sir,

With reference to your Office Endorse-
ment no 106 of 16th January (herewith
returned) requesting me to explain
the nature of the claims to a pay-
ment by the P.W. Department for
the value of trees planted from jungle
Conservancy Fund on the Pullapollam
channel in Caroor Taluk in 1872,
but which were taken charge of
by the P.W. Department in 1876, I
have the honor to enclose a copy
of a letter from the Sub Collector no
23 of 30th January 1877, explaining
the nature of the claims; with which
I concur. -

2. I would observe that the jungle

Conservancy Fund is composed of items of Revenue derived entirely from trees on Government waste and Paramboke lands, Imperial property, and it is utilized in improving such lands by plantations wherever needed. When the trees were planted on the Pallapallien channel by the Revenue authorities, the bank was Government Paramboke, and legitimate ground to plant upon from the Jungle Conservancy Fund. The expenditure was incurred from this source, and the fund was clearly entitled to the results of the outlay. It is on these considerations that the proposal of the Superintending Engineer, that his department should pay for the trees planted from Jungle Conservancy Fund, and undertake the future planting of the bank, was approved by me.

So, the amount of Rs 159 agreed to be paid is clearly due to the Jungle Conservancy Fund. - 27

I have the honor to be,
Sir,

Your most obedient servant,

M. S. S. S.
Collector.

Read the following:—

Letter from the Examiner of P. W. Accounts
No. 264 W of 9th June 1877.

Letter from the Coll^r of Coimbatore No. 26 of
14th Feb. 1877.

FOR ORDERS.

It is suggested that
the payment to jungle owner.
various funds of the value,
Rs 159 of the trees referred
to may be sanctioned on the
ground that even should
similar payments elsewhere
amount to a considerable
sum, the total is likely
to be well laid out in
preventing disputes and
opposition. The trees in any
case are the property of Govt.
and the payments will be
virtually only transfers
of debit. The proper way
of adjusting the charge

can

P.W.D.
165377
No 1642

From,
The Collector
of Coimbatore.
To, The Secretary
to Government
P.W. Department.
Dated 14th Feb. 1877
Recd

Enclosure -
No 26.

E. J. V.

Right owing the nature of
claim to payment by Govt.
is not intended for the value of
trees retained from jungle
Lumbarany Tambore Patta
Kallam Chennel Sir
Kasoor Taluk -

It is suggested that
the payment to jungle owner.
various funds of the value,
Rs 159 of the trees referred
to may be sanctioned on the
ground that even should
similar payments elsewhere
amount to a considerable
sum, the total is likely
to be well laid out in
preventing disputes and
opposition. The trees in any
case are the property of Govt.
and the payments will be
virtually only transfers
of debit. The proper way
of adjusting the charge

can be ascertained from the
Examiner.

FOR ORDERS.

Shulcrum St. Col. R.E.

Sept 10 1877
P.D. 1877
1/4 of C

Nov 45 1877

Payments of Rs 159 for
textures as a charge against
Ordinary Agricultural
Original works is sanctioned
This sanction has been
registered as No 335 I of 1877
23/2

For remarks as to
the proper manner
of adjusting the
charge.

By 21/2

The charge can be met
from the grant for
'Ordinary Agricultural, Orig
Works'. The D. will appropriate.
22.2.77

Yes. The transfer of debt is
a contribution from Imperial
to Local Funds.

23/2

With order

St. Vincent
Collector do
Ch. H. A.
Recd Dept

Depd - 14-3-77

C. 20-2-77

Feb 2 206
Govt. of {1877} Madras.
PUBLIC WORKS.

To *The W. C. Coimbatore*

Dated

Issued

Recd.

Encl.

G. O. *24 Feb* 1877, No. *645*

Nos. *77-28*

Pallapollim Channel,
Coimbatore D. — Payment
of Rs. 159 for the trees planted
at the expense of the Jungle
Conservancy funds on the
—, sanctioned.

Left in Reg.