

No. 73.

Madras 17th February 1881

From

Ernest Barclay.

Government Solicitor

Madras.

To

The Secy. to Government
Revenue Deptt.

Madras.

Sir,

I am in receipt of your docket of the 16th instant made upon a letter from the collector of Madras to your address dated 25th January last No. 20 with its several enclosures.

2. The first difficulty that occurs to me in deciding upon Messrs. Lasker and Wilson's claim with reference to the amount of compensation to be paid for the "Exchange House" is, that it is not yet ascertained who are the persons interested in the property. Some of these persons have been ascertained, but others have not, and it is very questionable whether, supposing any agreement could be come to with the shareholders who have established their claims as to the amount of compensation to be paid, the shareholders who may hereafter establish their claims would be bound by such agreement. I am of opinion that they would not and that to pay Messrs. Lasker and Wilson's clients any particular sum

or

or their proportions of any such sum without first making an award under the provisions of the Act, would not be advisable.

3. I think the best plan would be for the Collector to proceed to take steps to make his award. I assume that the public notice required by Section 9 of Act X of 1870 has been given, but if not, it would be well that it were done and that the notices required by that Section should be issued to the persons known or believed to be interested in the land. Such notices should be issued to all persons on whose title to be recognized as shareholders I have favorably reported and whose claims have been admitted by Government. It might perhaps be as well to give similar notices to any other persons who have claimed to be recognized as shareholders and at the enquiry to be held by the Collector he can, if not satisfied as to the title of such last mentioned persons, refer the matter to the determination of the Court.

4. It would of course be a convenience if, before the enquiry, a sum could be agreed upon as the compensation to be allowed for the property, but this is not imperative, as the enquiry is for the purpose of fixing the amount of compensation after all the cir-

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circumstances have been gone into, and in attempting to make any such agreement it must be borne in mind that Messrs. Lister and Wilson do not represent the whole of the persons whose title have been admitted. There is Mr. Perry who has established his claim to two and a half shares.

5. I agree with the Collector in thinking that the fact that land on the First Line Beach was sold some years ago at Rupees 3700 per ground is no guide to the value of the property in question. Probably land on the First Line Beach was then, and is now about the most valuable of any in Madras and its situation is so totally different to that of the Exchange House that the two cannot be compared for the purposes of valuation.

6. I also agree with the Collector that the points raised in the 3rd and 4th paras of Messrs. Lister and Wilson's letter of 16th December do not affect the question of the valuation of this property. I fail to see that because a tenant chooses to spend annually large sums in repairing the property he occupies that that is any reason why he should, if he buys such property from his landlord, pay an enhanced price for it. Government will have to pay just as much for the repairs of the Exchange House since its

As acquisition, as before, if it is to be re-
-fined for the same purposes as hitherto. Obviously too the prices paid on former
-transfers of shares can have nothing
to do with the present valuation of the
property for very much would depend
upon the circumstances under which
such prices were paid. But it seems
to me that both these questions are
disposed of by Section 24 of the Act which
provides that in determining the amount
of compensation to be awarded for land
acquired under the Act, the Judge and
Assessors shall take into consideration
the market value at the time of awarding
compensation of such land. The cost of
previous repairs and the prices formerly
paid for the property can have no
bearing on the valuation, except in
so far as such repairs may have
had the effect of putting the proper-
-ty in good order and thus increasing
somewhat its market value at
the time of awarding compensation.

7. With regard to the Revenue Inspector's
valuation, I can express no opinion,
but I may say that if it represents
the mere value of the materials
of the building it would, I should
think, be very insufficient. It
however, as is probably the case,
it

it represents the value of those materi-
-als as a building it may be sufficient.
8 As regards the claim for interest,
Section 42 of the Act provides that in
addition to the amount of any compen-
-sation awarded, the Collector shall,
in consideration of the compulsory
nature of the acquisition, pay 15 per
cent on the market value men-
-tioned in Section 24, and that when
the amount of such compensation
is not paid on taking possession, the
Collector shall pay the amount
awarded and the said percentage,
with interest on such amount and
per centage at the rate of 6 percent
per annum from the time of so
taking possession. The shareholders
will therefore be entitled to interest
as mentioned in the Section from
December 1899, when the Collector says
possession was taken. The delay on
the part of the shareholders men-
-tioned by the Collector does not seem
to be a ground for refusing to pay
interest.

9. I return the Collector's letter
and the papers which ac-

accompanied and

I am Sir

your obedient Serv^t

(Ed) Ernest Barclay
Solicitor.

(True Copy)

Wm. Astor
Secy. to Govt.

Edw. Barclay

Encl

No. 1124/81

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers.

Letter from the Collector of Madras dated
25th January 1881, No. 20.

Letter from the Government Solicitor dated
17th February 1881, No. 73.

Regarding the Regimental Mess House
in Fort Saint George.

Order thereon 21st February 1881 No. 329

The Government Solicitor's letter
read above together with a copy of P.W. Proceedings
dated 16th February 1880 No. 356 will be com-
municated to the Collector of Madras in view to his
proceeding to complete the acquisition of the pro-
perty in communication with the Gov^t. Solicitor,
reporting the result.

2. Enquiry will be made in the P.W.
Department whether the necessary provision has
been made for the purchase of the property in
the Military Public Works Budget.

3. Probably some Rs. 80,000
may be ultimately required with
the interest, but it seems probable that

a considerable number of shareholders
cannot be traced.

P.W. Co. 1124

Received 22 Feb 1881

True & correct
J. W. C. 1124
Secy. to Government

G.O. Rev. Department No. 329 & 24 Feb 1881.

FOR ORDERS.

To
The Public Works Department,
with copy of report submitted to
H.O. No. 3265 W. 18-12-79.
" " 326 W. 16-2-80.

Very important
times ordered.
The inquiry of the
Commissioner before
the Rio G. of the
business & the
between the
one.

No provision has
been made in the
Annual July Budget of the
P.W. Dept for this year
for the purchase of the
Exchange House Int. St. for

What fund can
be provided from the
to the bank charge
hundred for the
how much? This will
cause to the purchase
& can be ordered to pay
towards it. No 25/2

226.2 R 22.2

FOR ORDERS.

No 584 R.

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 5th March/81.

Read the following:—

Pro: of Govt. Rev. Depart^{ts} (H.E. No. 327 of 21st Feb/81)

No provision having been made in the Imperial Military Budget of the P.W. Depart^{ts} for the purchase of the building in Fort St. George known as the "Exchange House", para 1 of H.C. Revenue Dept^{ts} No 327 dated 21st Feb 1881 will be withdrawn in that Department.

2. The question as to provision of funds will now be considered in this Dept^{ts}.

The Rev. Depart^{ts}

Recd
5-3-81

cy

Drop

Urgent

No 231 Ad/1st March 81

To The Secretary to Govt.
Revenue Dept.

Please state whether
there is any objection
to the within draft G.O.
The Secy - I have
sent Secy to Govt. P.W. Dept.

No objection

W. M. M.
Secretary to Govt.

1st March 81

G.O. Revenue Dept. No 329 & 21 Feb 1881.
G.O. P.W. Dept. " 584 & 5th March 1881.
G.O. Rev. Dept. " 636 & 10 " "

FOR ORDERS.

Review should be
made as soon
as possible - but
I suppose this cannot
now be tel 82/3
It is unfortunate

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The Revenue Dept.
having withdrawn para
1 of G.O. in that Dept. No
329 & 21 Feb 1881, these
papers are recirculated
Adverting to the H. M.'s
questions, - the Military
Reserve for 1881-82 is
Rs 30,958. but this sum
will be required for
incomplete works of
the present year, & for
minor works next year.
Rs 7,500 have been
provided in the Imperial
Fund

Mily. Budget for 1881-82
on account of rent of
buildings in the Presy.
Division. The rent of
the Exchange House is
Rs 100 per mensem -

On P. Saunkey Colonel R.
Secy to Govt - P. W. D.
S

Hon. W. G. G. G.
FOR ORDERS.

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read Proceedings P. & R. Department
of 5 March 1881 No 584 Hon. C. C. Revenue
Department No 329 dated 21 February/81
directing withdrawal of para 1 of
G. O. Revenue Dept. No 329 of 21 February/81
in Revenue Department as no provision
has been made in the Imperial
Military Budget of the P. & R. Dept.
for the purchase of the Exchange
House and observing that the
provision of funds will be considered
in the P. & R. Dept.

Order thereon 10 March 1881 No 606

Ordered that para 1 of G. O.
No 329 dated 21 February 1881 Revenue
Department be cancelled accordingly

2. The collector will be duly informed
as soon as funds are provided.
Pending further instructions the
acquisition of the property

Shd.

Should be deferred.

(True Extract)

Wheeler
Secretary of War

To
The Public Works Department

Edith

P.W.C. No 1538

L.C. No. 256 W. 16-2-80,

Received 11th March 1881

No 4518-

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the 18th March/81

Read the following:—

Ld. Revenue Dept. H.S. No 636 of 10th March 1881.

Orders having already been issued on the Budget for 1881-82, provision for the purchase of the "Exchange House" Fort St George will be made in the Budget for 1882-83.

Cy

S 18/3

To The Revenue Dept. ✓
" Mil. Dept. ✓
" Supt. of W. P. W. ✓
" Gen. P. W. ✓

Peris
18/3/81

P 751. N 918 March 1891

P 751. N 918 April 1891
L 2909