Archives I - 10,006—16-8 77.

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(3) Initials of the Referencer bnm

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W DEPARTMENT

G.O. No. 1589W Press.
B.P. No. Mis.

Dated 22 — 6 — 1882 ~~197~~.

Not to be folded or roughly handled

V. S. M

1589

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

No. 168.

READ—the following papers:—

G.O., dated 5th June 1882, No. 585, Revenue.

Read—the following papers:—

Proceedings of the Board of Revenue, dated 10th February 1882, No. 1240, Miscellaneous.

From G. D. LEMAN, Esq., Acting Collector of Madras, to the Secretary to the Board of Revenue, dated 6th February 1882, No. 34.

With reference to the Board's Proceedings, dated 22nd December 1881, No. 11022, Miscellaneous, and to G.O., 3rd January 1882, No. 4, I have the honor to submit copy of a letter from Mr. J. R. Hunter, Attorney to Mr. Strange, informing that the latter gentleman is willing to return the cowle and give up the land if the outlay incurred by him, viz., Rs. 810-10-9, is repaid to him.

ENCLOSURE.

From J. R. HUNTER, Esq., to the Collector of Madras, dated Madras, 27th January 1882.

Referring to my letter of 7th December last, I have the honor to inform you that Mr. Strange is willing to return the cowle and give up the land therein referred to on your refunding him the outlay which he has incurred in planting trees, &c.

2. The said outlay amounts to date to Rs. 810-10-9.

Resolution—dated 10th February 1882, No. 1240, Mis.

Submitted to Government in continuation of Board's Proceedings, dated 14th December 1881, No. 10666, Miscellaneous.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Secretary.

Demi-official from the Hon. P. O'SULLIVAN, Advocate-General, to the Secretary to Government, Revenue Department, dated Madras, 26th April 1882.

I return the papers, and send you my opinion, upon the question as to the validity of two cowles granted by the Collector of Madras, with the sanction of the Board of Revenue, to Messrs. Barclay and Morgan and Mr. L. Strange. I wrote the opinion some time ago, but withheld it for the report of the Collector of Madras asked for in the Proceedings of the Board of Revenue, dated the 21st January 1882, No. 548, and from the Public Works Department, referred to in the Official Memorandum in the Revenue Department, No. 50, dated the 2nd February 1882, signed

by Mr. J. A. Davies. As, however, the reports have not been yet received, I think it better to send the opinion, and the matter can, if necessary, be referred to me again.

OPINION.

The cowles to Messrs. Barclay and Morgan and to Mr. L. Strange, which are not dated, were granted by the Collector in July or August 1881, with the sanction of the Board of Revenue in the manner prescribed by Section 43 of Regulation II of 1803. As between the Government and the grantees the cowles seem to be valid, notwithstanding that the Collector in granting, and the Board in sanctioning, acted contrary to the express directions of the Government, except as to such land comprised in the cowles as was transferred to the Public Works Department by order of the Government in 1860 (G.O., dated the 3rd March 1860, No. 475), I assume that land transferred to the Public Works Department is managed and disposed of by the officers of that department free from the control of the Collector and the Board. If the land which was transferred to the Public Works Department is capable of being distinguished from the land which was to remain under the control of the Collector by the above Order of Government, I think the persons in possession should be required to give it up. Notice should be given to Mr. W. Morgan and Mr. L. Strange, or their Attorneys, or whoever is in possession, stating that the grants were unauthorised, and requiring them to deliver possession to the Government, naming a person as having authority to accept possession on behalf of the Government. If there be a refusal, a suit should be brought to set aside so much of the cowles as relates to the land transferred to the Public Works Department and for possession. This is, I think, the course to be adopted, if, as I gather from the papers, nothing was done by the Government to authorise or sanction any modification of the direction to transfer to the Public Works Department, or to warrant the Collector in dealing with it.

Proceedings of the Board of Revenue, dated 26th May 1882, Miscellaneous No. 3750.

From R. J. MELVILLE, Esq., Collector of Madras, to the Secretary to the Board of Revenue, dated 8th May 1882, No. 174.

I have the honor to supply, as far as the means at my disposal enable me, the information called for in Government Official Memorandum, dated January 11th, 1882, No. 9, forwarded with Board's Proceedings, dated January 21st, 1882, No. 548. As the Board are already aware, no information on the subject was available in my office; the records prior to 1870, the date on which Madras was reconstituted a separate district, being in the office of the Collector of Chingleput. Mr. Price forwarded to me, with his letter dated 1st instant, all the records bearing on the subject which "a long and tedious search" had enabled him to discover.

2. From these records* it appears that, with a view of acquiring possession of the tract of land required for laying down the southern boundary of the Adyar, notices were duly published in the villages concerned. Land as per margin† was taken up under Act VI of 1867, compensation amounting to Rs. 1,655-10-9 being paid thereon. In addition, land as per margin‡ was resumed without payment as being river poramboke.

	Cs.	A.	C.
† Kottur—			
Ryotwari	11	6	0
Adyar—			
Zemindari	0	1	8
‡ Kottur—			
Ryotwari	5	4	12
Adyar—			
Zemindari	5	14	6

* Tamil Takeed, 3rd April 1862.
Yadast, 17th May 1862.
Do. 24th June 1862.

3. There is nothing on record to show to what particular officer of the Department of Public Works the tract thus acquired was made over. This information may possibly exist in the office of the Executive Engineer.

1589

4. That it was so made over, and that in consequence of such transfer the officers of that department on all occasions treated the lands on either bank of the Adyar as Government property, is shown by Board's Proceedings noted in the margin. I would more particularly refer to paragraph 5 of Mr. Mackenzie's letter recorded in Board's Proceedings of December 1st, 1866, to paragraph 2 of Board's Proceedings, dated September 16th, 1869, and to paragraph 5 of Mr. Fraser's letter recorded in Board's Proceedings, No. 6942, dated September 16th, 1869. These papers, it is true, refer more particularly to certain land on the northern bank of the river, but the wording of the letter last referred to leads to the conclusion that the whole of the Adyar had been brought under the control of the Department of Public Works. The fact that there is nothing about the southern bank to be discovered in the correspondence is, I think, to be accounted for by the fact that there are only three residences on the southern bank of the river, and as for some distance above the Elphinstone Bridge the set of the current is towards the southern bank and land instead of being formed is rather eroded by the action of the river. There is therefore no opportunity for encroachment by either the occupiers or their servants.

No. 8606, dated 1st December 1866.
„ 4956, „ 10th July 1869.
„ 6942, „ 16th September 1869.
„ 7938, „ 26th October „

5. There is nothing on record to show that the boundary was ever laid out on the ground; in fact, paragraph 7 of the G.O. of March 3rd, 1860, No. 475, directs that it is to be "laid down on the map originally prepared by Mr. Kennedy." There is, however, a pencil note on Board's Proceedings, dated March 7th, 1860, in which the Government Order was communicated to the Collector of Madras to the following effect.—"When the land is marked out we must hand it over to the Engineer authorities, R. C." This is apparently in Mr. Cunliffe's handwriting, and the expression "marked out" might refer either to demarcations of the land itself or to the boundary being laid down on the map.

Resolution—dated 26th May 1882, No. 3750, Mis.

Submitted to Government with reference to official memorandum from the Revenue Secretary, dated 11th January 1882, No. 9.

(A true Copy and Extract.)

(Signed) E. GIBSON,
Acting Secretary.

Order—dated 5th June 1882, No. 585, Revenue.

The Right Honorable the Governor in Council desires that steps be at once taken in the Public Works Department to identify the land on the banks of the Adyar, resumed and acquired by Government in 1858—64, the boundaries of which were then ordered to be laid down and the lands included by them, together with the river itself made over to the Public Works Department. Mr. Melville's letter of 8th May last proves conclusively that the Public Works Department were in actual charge, and if, as the Government believe, the whole of the lands recently granted by the Collector of Madras and the Board* of Revenue for planting be included in the abovementioned area, the Superintending Engineer should, in communication with the Advocate-General, institute the necessary legal proceedings to recover possession. Any proposals for surrender on conditions can be submitted for orders.

* Board's Proceedings, dated 19th July 1881, No. 1440.

2. Effective measures will be taken in the Public Works Department to ensure the future safe reservation of the land.

(True Extract.)

(Signed) E. F. WEBSTER,
Ag. Secretary to Government, R.D.

To the Public Works Department.

No. 169.

Order—dated 22nd June 1882, No. 1589 W., Public Works.

Communicated to the Superintending Engineer, Fifth Circle, who will take immediate action as directed in paragraph 1 of the orders in the Revenue Department, and arrange for the future safe reservation of the land as ordered in paragraph 2.

(True Extract.)

Under Secy. to Govt., P.W.D.,
Irrigation Branch.

To the Superintending Engineer, Fifth Circle.

Exd. A. F. Goodall.
Spare Copies

1589
3

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1882} Madras.

PUBLIC WORKS.

Dated June, 22nd.

Read. *Encl.*

G.O., 22nd June 1882, No. 1589 W.

JUNE.
Nos. 168-169.

Adyar River.

Recovery of certain lands on the banks of the —. Orders on Proceedings of the Revenue Department relative to the —.

Revenue Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers-

I Proceedings of the Board of Revenue,
dated 10th February 1882,
No. 1248, Miscellaneous.

1589

Read the following-
No. 34
From G. D. Leman Esqre
Ag. Collector of Madras.
To C. A. Galton Esqre
Secretary to the Board of Revenue.

Sir, With reference to the Boards' Proceedings dated 22nd December 1881, No. 11022 Mis. and to Govt. Order January 3rd 1882, No. 4, I have the honor to submit copy of a letter from Messrs. J. R. Hunter, Attorney to Mr. Strange, informing that the latter gentleman is willing to return the bowle and give up the land if the outlay incurred by him viz Rs 810-10-9 is repaid to him.

Madras Collectors Office,
6th February 1882.

I have &c.
(Signed) G. D. Leman
Ag. Collector.

To The Collector of Madras,

Sir, Referring to my letter of 7th December last, I have the honor to inform you that Mr. Strange is willing to return the bowle and pay

ng the land thereon referred to on your refunding him the outlay which he has incurred in planting tree &c.

2. The said outlay amounts to date to Rs 810-10-9.

Madras 27th Jany 1882. Shave &c.
Signed J. R. Hunter
True Copy
Signed G. D. Lowman
Ag Collector of Madras.

Submitted to Government in continuation of Board's Proceedings dated 14th December 1881, No. 10666 this.

True Copy and Extract
Signed L. Gallowe.
Secretary.

Madras, 26th April 1882.

My dear Webster,

I return the papers, and send you my opinion, upon the question as to the validity of two Cowles granted by the Collector of Madras with the sanction of the Board of Revenue to Messrs Barclay and Morgan and Mr L. Strange. I wrote the opinion some time ago, but withheld it for the report of the Collector of Madras asked for in the Proceedings of the Board of Revenue, dated the 21st January

January 1882, No. 6745, and from the Public Works Department referred to in the official Memorandum in the Revenue Department, No. 59, dated the 2nd February 1882, signed by Mr. Lt. Davies. As however the reports have not been yet received I think it better to send the opinion and the matter can, if necessary, be referred to me again.

Yours very Sincerely
P. R. Sullivan.

1589.

Opinion.

The Cowles to Messrs Barclay and Morgan and to Mr. L. Strange, which are not dated, were granted by the Collector in July or August 1881 with the sanction of the Board of Revenue in the manner prescribed by Section 4 of Regulation II of 1803. As between the Government and the grantees the cowles seem to be valid notwithstanding that the Collector in granting, and the Board in sanctioning, acted contrary to the express directions of the Government, except as to such land comprised in the Cowles, as was transferred to the Public Works Department by order of the Government in 1860 (G. O. dated the 3rd March 1860 No 11 4475). Inasmuch as that land transferred to the Public Works

Works Department is managed and disposed of by the officers of that department, free from the control of the Collector and the Board. If the land which was transferred to the Public Works Department is capable of being distinguished from the land which was to remain under the control of the Collector by the above order of Government, I think the persons in possession should be required to give it up. Notice should be given to Mr. W. Morgan Attorneys or whoever is in possession stating that the grants were unauthorised and requiring them to deliver possession to the Government, naming a person as having authority to accept possession on behalf of the Government. If there be a refusal a suit should be brought to set aside so much of the cowles as relates to

to the land transferred to the Public Works Department and for possession. This is, I think, the course to be adopted, if, as I gather from the papers, nothing was done by the Government to authorise or sanction any modification of the direction to transfer to the Public Works Department, or to warrant the Collector in dealing with it.

(Sd.) P.O. Sullivan
Advocate Genl.
26th April 1882.

1589/6

III. Proceedings of the Board of Revenue, Dated 26th May 1882, Nos. Nos. 3450.

Read Letter from R.J. Melville Esquire, Collector of Madras to the Secretary to the Board of Revenue, Madras, dated 8th May 1882, No. 149.

I have the honor to supply as far as the means at my disposal enable me, the information called for in Government Official Memorandum dated January 11th 1882

Enc: 3

1882 No 9 forwarded with Boards Proceedings dated January 21st 1882, No 548. As the Board are already aware no information on the subject was available in my office, the records prior to 1870 the date on which Madras was reconstituted a separate district being in the office of the Collector of Chingleput. Mr. Price forwarded to me with his letter, dated 1st Instant, all the records bearing on the subject which "a long and tedious search" had enabled him to discover.

2. From these records it appears that with a view of acquiring possession of the tract of land required for laying down the Southern boundary of the Adyar, notices were duly published in the Villages concerned. Land as per margin* was taken up under Act VII of 1863, compensation amounting to Rupees 1655-10-9 being paid thereon. In addition, land as per margin⊗ was assumed without payment as being river poramboke. 1587/7

3. There is nothing on record to show to what particular officer of the Department of Public Works the tract thus acquired was made over. This information may possibly exist in the office of the Executive Engineer.

4. That it was so made over and that in consequence of such transfer the officers of that Department on all occasions treated the lands on either bank of the Adyar as Government property is shown by Boards' Proceedings noted in the margin×. I would more particularly refer to para 5 of Mr. Mackenzie's letter recorded in Board's Proceedings of December

† Tamil Taken 3rd April 1862. Yadavat 17th June 1862. Do 24th June 1862.

* Kotturi C.S.A.C. Ryotwari—11-6—4 Adyar Zemindari—1-8 Kottur

⊗ Ryotwari—5-4-12 Adyar Zemindari—5-14-6

× Nos 86067 1st Dec 1866. 49568 10 July 1869. 69423 16 Sept 1869. 79385 26 Oct 1869.

1st. 1866, to para 2 of Board's Proceedings, dated September 16th, 1869 and to para 5 of Mr. Fraser's letter recorded in Board's Proceedings No. 6942 dated September 16th, 1869. These papers, it is true refer more particularly to certain land on the Northern bank of the river but the wording of the letter last referred to leads to the conclusion that the whole of the Abyar had been brought under the control of the Department of Public Works. The fact that there is nothing about the Southern bank to be discovered in the correspondence is I think to be accounted for by the fact that there are only three residences on the Southern bank of the river and as for some distance above the Elphinstone Bridge

Bridge the cut of the current is towards the Southern bank and land instead of being formed is rather eroded by the action of the river. There is therefore no opportunity for encroachment by either the occupiers or their servants.

5. There is nothing on record to show that the boundary was ever laid out on the ground, in fact para 4 of the Government order of March 3rd, 1869 No. 475, directs that it is to be "laid down on the map originally prepared by Mr. Kennedy." There is however a pencil note on Board's Proceedings, dated March 7th, 1869, in which the Government Order was communicated to the Collector of Madras to the following effect "When the land is marked out we must hand it over to the

Engineer

Engineer authorities B.C." This is apparently in Mr. Cunliffe's hand writing and the expression "marked out" might refer either to demarcations of the land itself or to the boundary being laid down on the map.

Submitted to Government with reference to official memorandum from the Revenue Secretary, dated 11th January 1882 No. 9.

(True Copy & Extract)

(Sd.) G. Gibson
Asst. Secretary

Order thereon 5th June 1882, No. 585.

The Right Honorable the Governor in Council desires that steps be at once taken in the Public Works Department to identify the land on the banks of the Aboyar, returned and acquired

1589

acquired by Government in 1858-64, the boundaries of which were then ordered to be laid down and the lands included by them, together with the river itself, made over to the Public Works Department. Mr. Melville's letter of 8th May last proves conclusively that the Public Works Department were in actual charge, and if, as the Government believe, the whole of the lands recently granted by the Collector of Customs and by the Board of Revenue for planting (3rd Proc. 19th July 1881, No. 1440) should be included in the above-mentioned area, the Superintending Engineer should in communication with the Advocate General institute the necessary legal proceedings to recover possession. Any proposals for surrender on conditions can be submitted for orders.

2. Effective measures will be taken

taken in the Public Works Department to ensure the future safe preservation of the land.

(True Extract)
For the Secretary
Ag. Secretary to Govt.

To, The Public Works Department.

91
158
10

B+R
Claims

No. 1589 w d/22nd June/82
~~Communicate d to the~~
Superintending Engineer
Fifth Circle who will
take immediate action
as directed in paragraph
1 of the orders in the
Revenue Dept, and ar
range for the future
safe reservation of the
land as ordered in
paragraph 2. —

13/6/82

22-5-82 No 1395. (Cho 3005)
30-9-81. 2144 Rawalpindi.
31-1-82. 275 W
27-1-82. 230 C.
24-8-81 1984 Lahore

Send
23/6
S.E. 5th Circle

No. 1589 w d/22nd June/82

1589
11

4092

Govt. of [1882] Madras.

PUBLIC WORKS.

Dated

Read.

Encl.

G.O. 29 June 1882, No. 1589

Nos.

Adyar River

Receiving of certain lands in the banks of the — Orders in Virge of the Rev Dept relative to the —