

(1) Number of pages 22
(2) Date of repair _____
(3) Initials of the Referencer lsw ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W DEPARTMENT

G.O. No. 1589 W	Press.
B.P. No.	Mis.
Dated 22 — 6 — 1882 ~~197~~ .	

Not to be folded or roughly handled

V. S. M

1589

22ND JUNE 1882, No. 1589 W., PUBLIC WORKS.

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 the land transferred to the Public Works Department is capable of being 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 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.

+ Kottur—	cs.	A.	C.
Ryotwari	...	...	...
Adyar—	...	...	...
Zemindari	...	...	...
+ Kottur—	...	...	...
Ryotwari	...	...	...
Adyar—	...	...	...
Zemindari	...	...	...

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 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

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

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.

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, B. 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 Superintendent

ing 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 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.

22ND JUNE 1882, No. 1589 W., PUBLIC WORKS.

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.

Gobt. of (1882) Madras.
PUBLIC WORKS.

Dated June, 22nd.

Recd.

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.

Read the following:-
No. 34

From H. D. Siman Esq.
As Collector of Madras.
To C. F. Walton Esq.
Secretary to the Board of Revenue.

Sir, With reference to the Board's Proceedings
dated 22nd December 1881, No. 11022, His. and to Government
Order January 3rd 1882, No. 14, 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 800-10-9 is repaid to him.

Madras Collectors' Office,
6th February 1882.

Shave of
Signed H. D. Siman
As 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 cowle and give up
the land.

up the land therein referred to on your refunding
him the outlay which he has incurred in plant-
ing tree &c.

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

Madras, 27 Jan'y 1882

I have &c.
Signed J. P. Hunter
True Copy
Signed G. D. Lunn
Ag. Collector of Madras.

Submitted to Government in continu-
ation of Board's Proceedings, dated 14th December
1881, No. 10666 Mis.

True Copy and Extract
Signed G. D. Lunn
Secretary

Madras, 26 April 1882.

My dear Webster,

I return the papers, and send you
my opinion, upon the question as to the va-
lidity of two Concessions granted by the Collector
of Madras with the sanction of the Board
of Revenue to Mess^{rs} 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 Proce-
dings of the Board of Revenue, dated the 21st
January

January 1882, No. 528, and from the Public Works
Department referred to in the official Communica-
tion in the Revenue Department, No. 50, dated
the 2nd February 1882, signed by Mr. J. F. Davies.
As however the reports have not been yet re-
ceived I think it better to send the opinion
and the matter can, if necessary, be referred
to me again.

Yours very sincerely
P. B. Sullivan.

Opinion.

The Concessions to Mess^{rs} 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 113 of
Regulation No. 1 of 1803. As between the Govern-
ment and the grantors the Concessions 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 con-
cessed in the Concessions, 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

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 unauthorized 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 cowlas 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 gather from the papers, nothing was done by the Government to authorize 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. P. Sullivan
26th April 1882. Advocate Genl.

15896

III. Proceedings of the Board of Revenue,
Dated 26th May 1882, No. 3150.

Read letter from R. J. Melville Esquire, Collector of Madras to the Secretary to the Board of Revenue Madras, dated 8th May 1882, No. 144.

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

1882 N^o 9, forwarded with Board's Proceedings, dated Jan^y 21st, 1882, N^o 548. As the Board are already aware no information on the subject was available in my office, the records prior to 1840 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 III of 1864, compensation

Tamil Sakshi
3rd April 1862
Yadast 17th May
1862.
D^o 24th June
1862.

* Kottur C.A.C.
Ryotwari - 11-6-4
Geminidari - 1-8
Kottur

⊗
Ryotwari - 5-4-12
Adyar
Geminidari - 5-11-6

amounting to Rupees 1655-10-9 being paid thereon. In addition, land as per margin was resumed without payment as being river solum boke. 1589

3. There is nothing on record to show to what particular office 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 land 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 para 5 of Mr. MacKenzie's letter recorded in Board's Proceedings of December

N^o
86067/1st Dec^r 1866.
49568/10th July 1869.
69423/16th Sept^r 1869.
79387/26th Oct^r 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, N^o. 6942,
dated September 16th, 1869.
These papers, it is true, refer
more particularly to certain
lands 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

15
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. 1587

8
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, 1860, N^o. 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

Engineer authorities. B.C. This is apparently in Mr. Cumliff'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
As 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 Adyar, resumed and acquired

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 above -

mentioned area, the Superintendent 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 Minister
Ag. Secretary to Govt.

To, The Public Works Department.

87
1589
10

1589
11

Mr. C. W. 10/17

11/10/82

11/10/82

8 B & R
C. W. 10/17

No. 1589 w d / 22nd June / 82
Communicate 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 -

No. 1589 w d / 22nd June / 82

Att

13/6/82

22-5-82 to 1395 (Chs 3005)
30-9-81 2144 New Road
31-1-82 275 W
27-1-82 230 C
4-8-81 1784 memo

Sent
23/6

S. Eng. Fifth Circle

4092

Govt. of [1882] Madras.
PUBLIC WORKS.

Dated

25/6

S. J. M.

Recd.

Encl.

G.O. 27 June 1882, No. 15896

Nos. 15896/97

Adyar River

Recovery of certain lands on
the banks of the. — Orders
in regard of the No Debt Retention
to the —