

8TH AUGUST 1887, Nos. 767, 767A, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated
4th July 1887, No. 309 :—

H. S. THOMAS, Esq., F.L.S., F.Z.S.

Read—again the following Proceedings of the Board of Revenue (Land Revenue),
dated 16th April 1887, Mis. No. 172 :—

Read—the following letter from L. R. BURROWS, Esq., Collector of the Nilgiris, to
the Secretary to the Board of Revenue, dated Ootacamund, 11th January
1887, No. 3 :—

The procedure observed in the payment of compensation for lands acquired under
the Land Acquisition Act (X of 1870) has recently been modified, and the new rules
relating thereto are contained in the Government of India resolution printed in Board's
Proceedings, dated 13th August 1886, No. 1813.

2. The form of compensation bill hitherto submitted to the department applying
for the acquisition of lands was prescribed in the Accountant-General's circular No. 26,
dated 17th June 1881, and it related to acquisitions under the Act as well as to lands
purchased on behalf of Government by private negotiations. Since the receipt of the
Government of India resolution above mentioned, the Accountant-General has, in his
circular No. 21, dated 15th October 1886, cancelled the previous circular.

3. The new rules are silent as to the procedure to be observed in the payment of
compensation for lands acquired without the necessity of having recourse to the Land
Acquisition Act, and I have the honor to request instructions as to whether in such
cases I may adopt the forms prescribed in the new rules with such alterations as
may be necessary. If this course is approved, there appears to be no reason why the
compensation statement A should not be sent direct to the Examiner of the department
for which lands may be acquired, without the previous countersignature of any other
officers.

Reference on the above, dated 9th March 1887.

Forwarded to the Examiner of Public Works Accounts for favor of his opinion
on paragraph 3 of the above letter.

(Signed) M. HAMMICK,
Acting Secretary.

To the Examiner of Public Works Accounts,
with letter in original to be returned.

Read—the following letter from Major C. H. P. CHRISTIE, R.E., Examiner, Public
Works Accounts, to the Secretary to the Board of Revenue, dated Madras,
25th March 1887, No. 14 B.R. :—

With reference to the Proceedings of the Board of Revenue, No. 123, of 9th
instant, I have the honor to inquire whether land is ever acquired for public
purposes without having recourse to the Land Acquisition Act; and if so, under what
circumstances.

Resolution—dated 16th April 1887, Mis. No. 172.

The Examiner will be informed that lands required for public purposes are in the great majority of cases acquired by private negotiation with reference to paragraph 2 of the Government of India letter communicated with G.O., dated 12th August 1878, No. 1289, and the revised rule received with that letter.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Examiner, Public Works Accounts.

Read—also the following letter from Major C. H. P. CHRISTIE, R.E., Examiner, Public Works Accounts, to the Secretary to the Board of Revenue, in the Department of Land Revenue, dated Madras, 4th June 1887, No. 8 B.R:—

With reference to the Proceedings of the Board of Revenue, No. 123, dated 9th March 1887, and subsequent correspondence, I have the honor to state that the practice of acquiring land by private negotiation appears to be implicitly prohibited by the resolution of the Government of India, Finance and Commerce, No. 1580, dated 29th June 1886, printed in the Proceedings of the Board of Revenue, No. 1813, of 13th August 1886, and that consequently the question of the procedure to be followed when land is acquired by private negotiation cannot arise in future.

2. The rules circulated with Government of India (Revenue, Agriculture and Commerce) letter No. 4, of 20th July 1878, printed in the Proceedings of the Board of Revenue, No. 1289, dated 12th August 1878, expressly provided for the contingency of land being acquired by private negotiations. But the letter which accompanied those rules drew special attention to the advantages of proceeding under the Act, and apparently even then the Government of India considered that acquisition by private negotiation should be exception rather than the rule.

3. In the resolution referred to in the first paragraph of this letter, the Government of India rules *in supersession of all previous orders* that after all preliminaries in respect to estimate, &c., have been duly carried out, the land *will be taken up under the Act*. There is no mention whatever of acquisition by private negotiation, and the presumption appears to be that the omission is deliberate and intentional. Indeed, in view of the prominence given to the matter on the former occasion, it seems impossible that the omission can have been accidental.

4. Should the Board not concur in the opinion here expressed, I beg that the matter may be referred for the orders of Government.

Resolution—dated 4th July 1887, No. 309.

Submitted for the orders of Government.

2. In their letter communicated with G.O., dated 28th June 1877, No. 2137, the Government of India directed that, save in exceptional cases, land required for public purposes should generally be acquired under Act X of 1870. But this order was subsequently modified by their letter printed in G.O., 12th August 1878, No. 1289, so as to leave the practice of acquiring land by private negotiation undisturbed. The Government of India point out in these letters that acquisition under the Act gives an indefeasible title, but leave full discretion to this Government to authorise acquisition by private negotiation where the title is undisputed and economy favors such a course. The Examiner of Public Works Accounts in the letter read above considers that the practice of acquiring lands by private negotiation is by implication prohibited by the recent orders of the India Government, communicated with G.O., dated 5th

August 1886, No. 664, Revenue. The Board are unable to concur in this opinion. It

* *Vide* paragraph 1 of the India resolution. seems to them that these rules, which merely consolidate* and in some respects amend the existing orders regarding the payment of compensation for land taken up under the Land Acquisition Act, so far from prohibiting the acquisition by private negotiation, do not touch upon the question at all. In very many cases in the Presidency the acquisition of land by private negotiation is perfectly safe and no difficulty attends the transaction. The Board would much regret to see the powers of District officers curtailed in the manner suggested by the Examiner of Public Works Accounts.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Examiner, Public Works Accounts.
" " Collector of Nilgiris.

ORDER—dated 8th August 1887, No. 767, Revenue.

Miscellaneous.

The Government concur in the Board's view that the resolution of the Government of India, dated 29th June 1886, No. 1580, merely consolidates and amends the orders relating to the payment of compensation for lands acquired *under the Act* and that it does not modify the orders contained in letter from the Government of India, Department of Revenue, Agriculture and Commerce, dated 20th July 1878, No. 4, permitting the acquisition of land *by private negotiation* in cases in which that may be found to be the more expedient course.

2. Ordered that a copy of these Proceedings be forwarded for the information of the Government of India.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.
" the Public Works Department.

No. 767-A.

Copy to the Government of India, Department of Finance and Commerce.

(Signed) J. F. PRICE,
Ag. Secretary to Government.

Exd. W. H. French.

85 Copies.

B. No. 2424 Wd/8 Sept 1887

Govt. of (1887) Madras.

REVENUE.

Communicated to
the officers concerned
for information in
continuation of G. O.
No. 2482 Wd of 24th Sept
1886.

1 Sd/ J. H.
h

Issued

Recd.

Encl.

G.O., 8th August 1887,
Nos. 767, 767A.

B. No. 2424 Wd/8 Sept 1887

AUGUST.

Ch. Engr for Secy
Consy Engr for Dy
Secy Secy to Govt
Ch. Secy. A. W. A.
Engr - in. Ch. Secy. S. P. S.
Engr. G. H. P. A.
State P. A.
Code Committee

Acquisition of Land.

Concurring in the view expressed by the
Board regarding the practice of acquiring land
by private negotiation.

With order

B5

A4

15TH AUGUST 1887, No. 377, MARINE.

GOVERNMENT OF MADRAS.

MARINE DEPARTMENT.

READ—the following paper :—

From the Hon. R. W. BARLOW, C.S., Chairman, Harbour Trust Board, to the Chief Secretary to Government, dated Madras, 5th August 1887, No. 2236.

I have the honor to forward, for the information of Government, copy of Proceedings of a meeting of the Harbour Trust Board, held on Wednesday, the 27th day of July 1887, the same having been confirmed at the meeting of the Trustees held on Wednesday, 3rd August 1887.

ENCLOSURE.

MINUTES of the Proceedings of a Meeting of the Trustees of the Madras Harbour held at the Board's Office on Wednesday, the 27th day of July 1887.

- * * * * *
1. Read the minutes and confirmed the Proceedings of the last meeting held on the 20th July 1887.
 2. Read letter from Messrs. Arbuthnot and Co., dated 20th July 1887, regarding the rumoured resignation of the Board's cooly contractor.
Recorded.
 3. Read letter from Messrs. Arbuthnot and Co., dated 22nd July 1887, declining to give the guarantee asked for in Board's resolution, No. 3, of 20th instant.
Read letter from the Chairman, Harbour Trust Board, No. 1973, dated 23rd July 1887, in reply thereto, and also letter from Messrs. Arbuthnot and Co., in answer, dated 25th idem.
Read also letter from Messrs. Branson and Branson, dated 23rd July 1887.
Read minutes on the subject by the Hon. S. R. Turnbull, the Chairman, and M.R.Ry. Venkatachistnamah Chetty.
Resolved that, upon consideration of the further explanation now offered by Messrs. Arbuthnot and Co., in their letter dated 25th July 1887, and upon the understanding that no claim shall be made by Messrs. Arbuthnot and Co. for short delivery, the Board are prepared to authorise their contractor to make delivery without weighment, sorting, or tally.
Resolved further that the Board's Solicitors be addressed with regard to an addition to bye-law No. 4.
 4. Read letter from Messrs. Arbuthnot and Co., dated 25th July 1887, regarding the block at the shore end of the pier on 28th June last.
Recorded.
 5. Read letter from Messrs. Arbuthnot and Co., dated 25th July 1887, regarding their claim for iron short landed per *Clan Drummond* and *Clan Grant*.
Resolved that Messrs. Arbuthnot and Co. will be informed that the subject is still under consideration.
 6. Read letter from Messrs. Arbuthnot and Co., dated 26th July 1887, acknowledging the receipt of the Board's resolution, No. 2, dated 20th instant, regarding the issue of certificates as to the quantities of iron landed.
Resolved that Messrs. Arbuthnot and Co. will be informed that they have misapprehended the object of the issue of the certificates; the Chairman is invited to address them on the subject.
 7. Examined half-yearly indent for stores required by the Superintendent, Madras Harbour Works.
Resolved that the same be circulated for further consideration.
 8. Read letter from the Acting Superintendent, Madras Harbour Works, No. 444, dated 25th July 1887, submitting an estimate for fixing gates to all the openings in the fencing now being put up along the beach, amounting to Rs. 714, and also an estimate for Rs. 106 for tarring the whole of the fencing.

Sanctioned. The Acting Superintendent is requested to revise the rates for teak wood.

9. Read letter from the Acting Superintendent, Madras Harbour Works, No. 445, dated 25th July 1887, submitting plan and estimate for laying a narrow-gauge siding for loading coal into South Indian Railway waggons.

Resolved that before passing this estimate, the Chairman be invited to address the Agent of the South Indian Railway, as to whether the siding will meet their requirements and be an inducement to them to land coal at this port.

10. Read letter from the Acting Superintendent, Madras Harbour Works, No. 446, dated 26th July 1887, submitting plans and estimates for cabins and alterations to the iron pier decking, &c., amounting to Rs. 6,403.

Resolved that this heavy expenditure is considered unnecessary at present, and that the decking of this portion of the pier be removed.

11. Read G.O., No. 290, Marine, dated 8th July 1887, recording proceedings of a meeting of the Harbour Trust Board held on the 15th June 1887.

Recorded.

12. Read G.O., No. 1483, Judicial, dated 11th July 1887, directing that the cost of the Police boats' crew be debited in equal proportion between Port Funds and Police Funds.

Recorded.

13. Read letter from Messrs. Branson and Branson, of this date, in reference to the contract for quarrying stone at Pallavaram.

Resolved that the matter be again referred to the Board's Solicitors.

14. Examined Madras Bank Pass Books showing balances at the credit of the Chairman, Harbour Trust Board, as follows:—

	RS.	A.	P.
Revenue Account	37,044	1	1
Construction Account	2,906	0	9

Recorded.

15. The business of the meeting being ended, Captain Taylor, on the invitation of the Chairman, gave the Trustees an account of the Proceedings of the London Committee, with regard to the question of the proposed North-East entrance.

Proposed by the Hon. Mr. S. R. Turnbull, seconded by Mr. G. L. Chambers, and carried unanimously, that Captain Taylor be thanked for his interesting statements and for the able manner in which he has advocated the interests of the port before the committee upon the proposed North-East entrance.

ORDER—dated 15th August 1887, No. 377, Marine.

Recorded.

(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

To the Chairman, Harbour Trust Board.
" Public Works Department.
" Port Officer, Madras.

Exd. A. Raitt.

B. No 2428Wd/8-9-87

Govt. of (1887) Madras.
MARINE.

Recorded

124 Loh

Issued

Recd.

Encl.

G.O., 15th August 1887, No. 377.

B. No 2428Wd/8-9-87

AUGUST.

Harbour Trust Board.

Recording proceedings of a meeting of the —
held on the 27th July 1887.

with order

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(True Extract.)

H. E. John

Ag. Chief Secretary.

To the Chairman, Harbour Trust Board.
 „ Public Works Department.
 „ Port Officer, Madras.

13. N^o 2428 Wa/8 Sept 1887

Govt. of (1887) Madras.

MARINE.

Issued

Recd.

Encl.

G.O., 15th August 1887, No. 377.

13. N^o 2428 Wa/8 Sept 1887

AUGUST.

Harbour Trust Board.

Recording proceedings of a meeting of the —
held on the 27th July 1887.

2 Copies to Mr. J. J. J.

With order

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(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

To the Chairman, Harbour Trust Board.
" Public Works Department.
" Port Officer, Madras.

Exd. A. Raitt.

B.N. 2428 Wd/8-9-87

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Govt. of (1887) Madras.

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