

# Public Works (1894) Department.

RAILWAY BRANCH.

G.O., No. 639 R

DATED 30<sup>th</sup> November

[Despatch Abstract.]

*Vilgiri Railway. — The Collector of Nilgiri is authorized to inform owners of estates on the ghat that they will be paid 6 percent on the amount which may hereafter be awarded to them as damages.*

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

19TH FEBRUARY 1893, No. 368 R., PUBLIC WORKS.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Railway.

Read the following papers:—

From the Collector of Nilgiris, to the Joint Secretary to Government, Public Works Department, Railway Branch, dated Ootacamund, 19th January 1893, No. 6 G.T.

I have the honour to report that all the private lands required for the Nilgiri Railway between the Coonoor bridge and the district boundary on the Mettupalaiyam side have been acquired and made over to the Company with the exception of that situated in the Barliyar estate for which, however, an offer has been made and accepted and which will be handed over on 20th instant. Portions of 14 properties have been acquired in all, and the annexed statement will show the names of such estates, the areas acquired, the claims made, the sums awarded, and the total rate per acre paid including allowances for severance, roads and crop statutory percentage and ordinary interest. The dates of payment of the awards are also entered.

2. For the first acquisition in the list, namely, Messrs. Stanes and Co.'s office premises, the first application as sent to the Collector included a narrow strip of land alongside the new Ghât road and this was acquired for the trifling sum of Rs. 54 and odd. Subsequently, however, the Railway Company desired that the remainder of the premises, including buildings valued at Rs. 8,000, might be acquired. But after receipt of my letter, No. 13 G.T., dated 26th January 1892, asking if the buildings were required, the Government disapproved of this costly acquisition as unnecessary for the immediate purpose of the railway — vide G.O., No. 503 R., dated 23rd February 1892, Public Works Department. The second acquisition, Cleveland, as a coffee estate is almost of a nominal value. It has not been really worked for years. The first acquisition in this estate was made by my predecessor, who also made an offer for the second acquisition therein which was completed by myself. The cost per acre was Rs. 311 and Rs. 307 respectively for either acquisition.

3. Next below Cleveland estate starting from Coonoor and marching towards Mettupalaiyam come the large estates of Glenmore and Runnymede, offers for which were made by my predecessor. After a long and exhaustive inquiry subsequently made by the District Court, in the course of which a great many gentlemen engaged in planting were examined as witnesses, it was found that the market value of these estates was Rs. 600 per acre including crop. The amount, however, of the Collector's offer had necessarily to be paid in regard to the first portion acquired in Glenmore, which cost to Government Rs. 880, and in Runnymede which cost the Government Rs. 1,058 per acre.

Subsequently to the award of the District Court, two more acquisitions were made in Glenmore estate by myself at Rs. 677 and Rs. 697 per acre. The evidence given before the District Court showed that these estates were by no means among the best in the district. Their value was largely overestimated and that their market

value was not nearly that offered by the Collector is obvious from the fact that such offer included the allowances in some cases of as much as Rs. 300 an acre for the crop on the trees, whereas the District Court found twice that sum to be the market value of the land *plus* crop to buy outright. The fact that so generous an offer was made in regard to these estates made settlement with the owners of three or four of the best estates on the hills situated lower down the ghât somewhat difficult. The owners naturally preferred to refer to the terms of the offers made for Runnymede and Glenmore rather than to the decision arrived at by the District Court as to what was in fact the market value of coffee estates.

4. In Lower Tiger Rock estate three acquisitions were made. The first was completed by my predecessor, and in regard to the second and third I paid the amounts offered by him and accepted by the owner. The cost per acre was Rs. 875, Rs. 1,020 and Rs. 475, respectively, for the first, second and third acquisitions in Lower Tiger Rock estate, the considerable differences being due to varying allowances for crop on the parts of the estate situated in Coonoor and Barliyar villages and to the lower market value awarded for the land and trees on the Barliyar side owing to the inferiority of the soil and neglected condition of the trees.

5. Up to this time the notifications received from Government had been accepted without criticism, but during my inspections of Glenmore and Runnymede estates which were made for the purpose of defending the Government interests in the references to the District Court made in regard to these estates and after inspection of the remainder of the line down to and beyond the Barliyar river, it appeared to me that considerable areas of temporary land had been taken up in valuable coffee estates, and on consulting the Engineer-in-Chief it appeared to be by no means certain that all this land would necessarily be wanted. It also appeared that it was impossible, owing to the physical configuration of the ground, for Engineers to predicate with any certainty what land would be required for spoil banks. Concerning this question, in which considerable pecuniary interests were involved, I addressed the late Consulting Engineer demi-officially and, after a conference between him and the Engineer-in-Chief and myself, proposals were submitted to Government, which resulted in the decision that in regard to spoil banks and damage done by flying boulders the Government would pay for actual damage done. Had lands been acquired according to the original notifications, 64.28 acres which were cut out of such notifications would have been acquired at a cost of Rs. 24,289, calculated upon the offers made and accepted for such areas of the like character as have actually been acquired. Of course actual damages remain to be paid, but I feel sure that a very large saving will be exhibited, and it is by no means certain that the damages to have been paid would not have been equally great had all the temporary land originally notified been taken up. The temporary land for spoil banks ran horizontally alongside the narrow permanent way, and spoil would certainly have been projected far beyond such banks in vertical lines down through the estates. Mr. Weightman allowed that the lands notified would by no means have sufficed and might very probably, after having been acquired at very considerable cost, notably in Benhope and Barliyar, have proved useless. This fact and other circumstances were fully laid before the late Consulting Engineer in demi-official correspondence which has not been brought before Government.

6. To proceed down the ghât next to Lower Tiger Rock is the Meejee estate in which 8.67 acres were acquired for Rs. 575 per acre. A small portion of Mullanur (acres 1.43) which is in a high state of cultivation cost as much as Rs. 813 per acre, and from this point onwards to the end of the line the question of severance became one for anxious consideration. The Land Acquisition Act provides for compensation being paid for "the damage, if any, sustained by the person interested at the time of awarding compensation by reason of severing such land from his other land," section 24, clause 2, and for "the damage, if any, sustained by the person interested . . . by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner or his earnings," section 24, clause 3. Up to this point the railway had run along the extremities of the estates near the river and land was in such cases as a rule taken

up right down to the river, so that the question either did not arise at all or when it did was of small moment; but from Mullanur down to the end of the Barliyar estate, a distance of about  $4\frac{1}{2}$  miles, the line passes for the most part through the middle of several of the most valuable and most highly cultivated estates on the hills, not only making necessary deep cuttings across which access satisfactory to owners can hardly be provided by the Company for the passage of coolies, transport of manure, &c., but also dividing each estate into two nearly equal portions and severing that portion above the line from the offices, the pulping houses, and the base from which labour proceeds upwards and manure is carried. Thus it will be seen that not only were the estates to be dealt with below Meejee far more valuable than those above it, but they are also far more injuriously affected owing to this section of the railway running on a steep slope in continual cuttings which entails damage from spoil and boulders to the portion lying below as well as damage by severance to that lying above the line. The 8th estate to be dealt with was that of a Badaga not very highly cultivated, for which Rs. 288 per acre were paid. The 9th also belongs to Badagas and ran to Rs. 335 per acre only because certain buildings upon it are situated on the line and had to be acquired. Upwards of 10 acres in Hill Grove were acquired at Rs. 316 per acre owing to the circumstance that the line fortunately passes nearly alongside the lower boundary of this valuable estate. In the 11th acquisition 3 acres of uncultivated land belonging to Irulers were acquired for a nominal sum, and the 13th acquisition, Kurambadi, cost no more than Rs. 305 an acre. It is a poorly cultivated estate, but considerable damage will unavoidably be done in the course of construction, for the land is as precipitous as it can well be and spoil will fail at least as far as the Ghât road.

7. There remain the 12th and 14th acquisitions, Benhope and Barliyar. These are extremely valuable estates and it was chiefly on account of the large area (acres 4.88 and 42.62) of temporary land within their boundary which had been provided in the original notifications that I urged upon the Consulting Engineer the necessity for making reductions. The evidence given before me at the inquiry went to show that these are among the very best estates on the hills and unfortunately they are so situated upon steep slopes, with the railway passing in each case through the middle of the estate, that, as explained above, I fear that not inconsiderable further damage will be done to them. In Benhope a sum of Rs. 530 for severance and of Rs. 1,429 for damage done to the zigzags of the elaborate revetted cart road raises the rate per acre for the acquisition of 2.3 acres to Rs. 1,866. The market value awarded by me per acre was Rs. 880 for land including crop. All my offers were made without any special allowance for crop. Crop is or should be an incident of a coffee estate and without crop its market value would be very small and it is by taking into consideration what the average crop is that a market value is struck. The District Court made no allowance for crop, but calculated the market value by estimating the value of the crop annually produced and of the land as improved by capital expenditure. The Barliyar estate is divided in to two portions. That on the Coonoor side of the river approximates in value to Benhope, while that on the Mettupalaiyam side is far inferior. The acquisition in this estate, which even now comes to 14.23 acres as against 65.42 acres originally notified, amounts in all, chiefly owing to the comparatively large sums paid for severance, to Rs. 895 per acre. The railway divides the greater portion of this estate from its base, from its offices and from its labour and manure supply and affects its working very considerably. Owing to the error made at the office of the Engineer-in-Chief of the Railway in plotting the revenue fields, it became necessary to make a reference to Government, but the owners of the lands to be acquired having agreed not to take any exception to the error of description in the second notification, a fresh notification was pronounced unnecessary on reference to Government. All errors having been finally rectified and correct plans having been received from the Survey Department, the payment of compensation has been fixed for the 20th instant, the amounts being calculated and the figures placed in the hands of the Acting Collector.

8. The settlement of these 14 acquisitions has been an anxious and troublesome task. The total cost to Government, including the statutory compensation of 15 per cent. and interest, amounts to Rs. 37,054 as against Rs. 2,38,454 claimed.

If the cost of acquiring the land for Coonoor station prove to be within my estimate, the total cost will be Rs. 4,404 as against Rs. 13,323 claimed, sums which must be added to the totals just given.

9. It was necessary for me to make a very careful study of coffee planting on the Nilgiris generally as well as repeated inspections of the lands to be acquired. A laborious search was also made of the records of the Registration Department to see at what prices coffee estates had actually changed hands upon the bills, by which statistics I have been to a great extent guided in making offers. In these inquiries and in the conduct of the reference cases in the District Court, which, as the Board has observed terminated satisfactorily, I have been greatly helped by the Sheristadar M.R.Ry. S. Ramasawmi Iyer Avergal, who possesses long experience of the district and has spared no pains in making inquiries and searches. Messrs Hodgson and Windle, gentlemen who assisted me by leave of Government, also gave valuable and independent evidence which has been of very material help and underwent very considerable fatigue in making inspections with me upon precipitous and rocky slopes. Complaints have naturally been made concerning my offers. Their fairness is best proved by the fact that they have been accepted in every case by experienced and intelligent owners represented and unrepresented by counsel, and since I have been repeatedly attacked in the Press for driving the hardest possible bargains, it is very satisfactory to find that the Planters' Association has recorded "an expression of its confidence in the present administration of the district" and has thanked me for the assistance I have been able to give it. I need hardly point out that the settlements effected will doubtless form the basis for the payment of damages outside the lands acquired in each particular estate and probably of the settlement of compensation for future railway extensions in the district. The subject is therefore one of very considerable importance, and I hope Government will be of opinion that it has been satisfactorily treated without any special assistance. As I have had no officer at head-quarters during my frequent visits to Coonoor, journeys down the ghât, and as it is impossible under existing circumstances to be absent for more than 2 or 3 days at a time from Ootacamund, the disposal of this business, in addition to the ordinary work of the district, has not been effected without an effort.

I have throughout received every possible assistance from the Agent and Secretary of the Nilgiri Railway Mr. P. Woolley, while Mr. Weightman, the Engineer-in-Chief, exhibits in himself, and has infused into his subordinates, an admissible spirit of tactful conciliation. In an unofficial memorandum already laid before Government, I recommended the appointment of a Special Revenue Inspector on Rs. 60 to inspect the damages done outside acquisitions. I append to this letter copies of my orders, dated 30th August 1892 and 14th October 1892, from which it will be seen that a register of such damages is being maintained and that I have made several inspections as soon as work is commenced in Barliyar estate, that is to say immediately, would result in a saving in the end to Government which should have some evidence recorded, if possible, from day to day to meet the records of owners whose claims may be very large. Already many difficulties have arisen connected with damages to trees, roads and water-courses which we have been able fortunately to settle amicably and without references to Government or to the courts, but the work is being carried on under unusual difficulties, and on the whole I would recommend the temporary appointment of the Railway Revenue Inspector whose salary, I think, will be saved over and over again. I feel also that the officer who acts for me cannot immediately acquire a knowledge of the locality and of the conditions, which I have only got by repeated inspections extending over 18 months.

ENCLOSURE.  
STATEMENT showing the acquisition of lands for the Nilgiri Railway from the commencement to 16th January 1893.

| Estate.                   | Area.     | Claim total. | Market value. | Settlement. | Roads.  | Blue gum trees. | Coffee crop. | Buildings. | 15 per cent. addition on market value. | Interest at 6 per cent. | Total.      | Rate per acre. | Remarks.                                                               |
|---------------------------|-----------|--------------|---------------|-------------|---------|-----------------|--------------|------------|----------------------------------------|-------------------------|-------------|----------------|------------------------------------------------------------------------|
| 1. Slanes & Co.'s office. | Acres 0 6 | Rs. 320      | Rs. 45 0 0    | Rs. 0 0     | Rs. 0 0 | Rs. 0 0         | Rs. 0 0      | Rs. 0 0    | Rs. 0 0                                | Rs. 0 0                 | Rs. 0 0     | Rs. 0 0        | Paid on 9th Oct. 1892.                                                 |
| 2. Cleveland—             | 5 48      | 16,500       | 1,357 8 0     | 0 0         | 0 0     | 100             | 0 0          | 0 0        | 303 10 0                               | 30 11 9                 | 1,691 18 9  | 311 9 3        | " 25th March "                                                         |
| 1st acquisition ..        | 4 80      | 2,869        | 1,326 0 0     | 0 0         | 0 0     | 100             | 0 0          | 0 0        | 183 12 0                               | ..                      | 1,508 12 0  | 307 14 6       | " 10th June "                                                          |
| 2nd do. ..                | 18 70     | 45,330       | 10,020 0 0    | 0 0         | 0 0     | 0 0             | 2,171 0 0    | 0 0        | 1,403 0 0                              | 736 9 0                 | 14,697 9 0  | 880 1 4        | The total includes Rs. 408-1-7: costs paid 13th and 21st October 1892. |
| 3. Glenmore—              | 2 78      | 1,851        | 1,393 0 0     | 0 0         | 0 0     | 0 0             | 283 6 5      | 0 0        | 204 7 3                                | 6 3 3                   | 1,650 13 7  | 877 16 6       | Paid on 10th June 1892.                                                |
| 1st acquisition ..        | 0 73      | 699          | 438 0 0       | 0 0         | 0 0     | 0 0             | 2,698 11 2   | 0 0        | 66 11 3                                | 583 1 6                 | 11,964 9 1  | 1,068 13 10    | " 31st Oct. "                                                          |
| 2nd do. ..                | 11 39     | 43,898       | 7,828 8 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 1,144 4 5                              | ..                      | 11,964 9 1  | 1,068 13 10    | The total includes Rs. 454-2-3: costs paid 6th and 31st October 1892.  |
| 4. Runnymede              | 14 28     | 39,341       | 7,541 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 1,131 2 6                              | 226 3 3                 | 12,449 14 2 | 875 8 4        | Paid on 25th March 1892.                                               |
| 5. Lower Tiger Rock—      | 8 46      | 8,729        | 5,380 0 0     | 0 0         | 0 0     | 0 0             | 2,464 14 6   | 0 0        | 804 0 0                                | ..                      | 8,728 14 6  | 1,020 14 9     | " 25th "                                                               |
| 1st acquisition ..        | 8 24      | 2,489        | 1,673 0 0     | 0 0         | 0 0     | 0 0             | 681 3 2      | 0 0        | 235 12 10                              | ..                      | 2,489 0 0   | 475 0 0        | " 28th "                                                               |
| 2nd do. ..                | 0 16      | 12,002       | 4,080 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 612 0 0                                | 9 3 8                   | 4,701 3 8   | 678 2 1        | Paid on 27th Aug. 1892.                                                |
| 3rd do. ..                | 0 61      | 393          | 265 0 0       | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 38 4 0                                 | 12 10 4                 | 293 4 0     | 575 0 0        | " 34th "                                                               |
| 6. Meesee estate—         | 1 48      | 1,856        | 1,001 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 130 3 6                                | 3 0 4                   | 1,163 13 9  | 813 13 8       | " 31st Oct. "                                                          |
| 1st acquisition ..        | 0 31      | 2,110        | 1,422 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 82 14 0                                | 3 0 4                   | 638 6 4     | 248 13 10      | " 37th Aug. "                                                          |
| 2nd do. ..                | 0 82      | 7,791        | 1,422 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 213 4 10                               | ..                      | 2,436 4 10  | 336 6 3        | Under reference to District Court under section 14.                    |
| 7. Mallanur               | 10 12     | 2,494        | 2,630 0 0     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 279 8 0                                | 40 14 8                 | 2,200 6 8   | 316 3 11       | Paid on 14th Dec. 1892.                                                |
| 8. Kodamulal Bada—        | 3 23      | 67           | 48 7 2        | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 7 4 3                                  | 0 14 6                  | 56 9 11     | 17 8 6         | " 1st Nov. "                                                           |
| 9. Hill Grove             | 3 26      | 8,408        | 2,076 12 10   | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 311 8 4                                | 57 13 10                | 4,404 11 9  | 1,666 6 7      | " 12th Jan. 1893.                                                      |
| 10. Irula land            | 4 84      | 8,714        | 1,016 6 6     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 163 7 4                                | 8 6 10                  | 1,477 4 7   | 305 3 7        | " 2nd Dec. 1892.                                                       |
| 11. Kenhope               | 14 23     | 36,703       | 6,601 0 1     | 0 0         | 0 0     | 0 0             | 0 0          | 0 0        | 840 3 4                                | ..                      | 12,749 4 6  | 895 15 1       | To be paid on the 30th Jan. 1893.                                      |
| 12. Kurumbady             | 123 26    | 2,38,434     | 65,133 2 6    | 7,466 10 10 | 1,628   | 200             | 11,850 13 9  | 800        | 9,309 16 6                             | 1,707 6 6               | 87,064 13 0 | 706 4 3        |                                                                        |
| 13. Barliyar              |           |              |               |             |         |                 |              |            |                                        |                         |             |                |                                                                        |
| Total ..                  |           |              |               |             |         |                 |              |            |                                        |                         |             |                |                                                                        |

\* Area subject to revision on receipt of final plans from the Survey Department.

Memo. No. 2279 G.

In enclosing an extract from a letter, dated 25th instant, from Belli of Kodamulai village complaining that a lot of coffee trees in full bearing have been damaged by the rolling down of stones, the Deputy Tahsildar of Coonoor is directed to have the locality inspected by the Revenue Inspector in company of the petitioner and the nature and extent of damage fully reported on at a very early date. If the Revenue Inspector cannot be deputed, the Deputy Tahsildar should himself attend to this work.

2. A khyet should be taken from petitioner as to the nature of the damage and how much money compensation he claims therefor.

3. The report of the Deputy Tahsildar or Revenue Inspector should be made in a tabular form with the following headings:—

- (1) Name of claimant and his title.
- (2) Date of claim
- (3) Settlement number and name of estate on which damage is alleged.
- (4) Description of each damage.
- (5) Amount claimed.
- (6) Full and concise report explaining how and what damage was caused and its money value.

4. It should be particularly noted whether the damage, if any, was caused by the blasted rocks flying about or by the intentional rolling down of stones by the railway work people.

OOTACAMUND,  
30th August 1892.

(Signed) J. D. REES,  
Collector.

Memo. No. 2801 G.

The Collector has inspected lands covered by earth of spoil banks in Glenmore and Hill Grove estates. It will be necessary for a record to be maintained of the condition of all lands covered by spoil. In Hill Grove the lands so covered at present may be safely taken to be of the same character and quality and to be covered with the same character and quality of crop as that taken up for the railway. The same remarks apply to the land covered in Glenmore. The owners in each case have been advised to keep a record of the condition of the land covered and of the damage done as it proceeds. The Collector will from time to time inspect and note, but it will be necessary for the Revenue Inspectors and the Deputy Tahsildar also to take notes from time to time to supplement the Collector's inspections which can necessarily only be occasional.

2. The most convenient plan would be for the Revenue Inspectors to give a day or two to the work in every month and the result of their inspections must be noted in the register to be maintained in the Deputy Tahsildar's office, which register will be produced as importance evidence at the inquiry to be finally made when work at each point has been finished and the Collector proceeds to assess the actual damage done.

3. The results of the Collector's inspections above noted to be entered in the Deputy Tahsildar's register. Further information as regards Hill Grove will be found noted on the map of the railway acquisition.

OOTACAMUND,  
14th October 1892.

(Signed) J. D. REES,  
Collector.

Telegram to the Collector of Nilgiris, dated 2nd February 1893, No. B. 43.

ORDER—dated 18th February 1893, No. 368 R., Public Works.

The Government approves of the action taken by the Collector of Nilgiris for the assessment and payment of damages in acquiring lands for the Nilgiri Railway and sanctions the appointment of a temporary Railway Revenue Inspector on a salary of Rs. 60 per mensem.

(True Extract.)

(Signed) W. V. CONSTABLE, Major, R.E.  
Offg. Under-Secy. to Govt., P.W.D.,  
Railway Branch.

To the Consulting Engineer for Railways.  
" Revenue Department.  
" Collector of Nilgiris.  
" Examiner, Guaranteed Railway Accounts.  
" Examiner, Public Works Accounts.

Exd. C. A. Munisawmy.

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RAILWAY.

Govt. of {1893} Madras.  
PUBLIC WORKS.

Dated February, 18th.

Read.

Encl.

G.O., 18th Feb. 1893, No.368 R.

FEBRUARY.

Nilgiri Railway

The action taken by the Collector of Nilgiris for the assessment and payment of damages in acquiring lands for the —, approved, and the appointment of a temporary Railway Revenue Inspector on a salary of Rs. 60 per mensem, sanctioned.

21st MARCH 1893, No. 588 R., PUBLIC WORKS.

GOVERNMENT OF MADRAS.  
PUBLIC WORKS DEPARTMENT.

Railway.

Read the following paper:—

From the Acting Collector of Nilgiris, to the Under-Secretary to Government, Public Works Department, Railway Branch, dated Ootacamund, 13th March 1893, No. 31 Gt.

With reference to the first portion of para. 2 of your letter No. 776 C., dated 20th ultimo, and in continuation of para. 2 of my letter No. 19, dated 1st instant, I have the honour to report, for the information of Government, that no compensation was awarded to the owners of the Hill Grove estate for anticipated damage to roads or paths lying within or without acquired limits or for intersection of the railway line with such roads or paths.

2. In his evidence before the Collector on 14th May 1892, the Engineer-in-Chief of the Nilgiri Railway stated that ". . . there are no cart roads in Hill Grove. We give crossings wherever there are paths and they may not be in exactly the same place, but paths will be continued to point of diversion at 307 chain."

3. Mr. L. Reilby, as agent for the owners, claimed Rs. 100 "for the damage to the road," but in the offer made by the Collector and accepted by Mr. Reilby on hearing Mr. Weightman's evidence the claim was disallowed. It is difficult to say which portion of the road Mr. Reilby's claim referred to.

4. As regards damage to road, &c., outside acquired limits, Government, in its order, dated 15th August 1892, No. 2003 R., Public Works, has expressed its willingness to pay compensation for damage done by spoil thrown on to coffee land and by boulders rolling down the steep slopes, the Railway Company held liable for cost of damage caused by blasted rock flying about.

5. It seems then clear that in the case of Hill Grove estate that the cost of maintaining the road communication should be borne by the Railway Company or the Government according as the intersected or obstructed parts of such roads lie within or without the acquired limits as above stated.

6. The Railway Company has hitherto not disputed its liability to maintain and restore road communications within acquired limits. Written assurances to the above effect were conveyed to my predecessors both by the present and previous Engineer-in-Chief, which assurances were intimated to all the claimants at every land acquisition case. This undertaking on the part of the Railway Company is in strict accordance with the provisions of the Railway Act (IX of 1890)—vide sections 10 (1), 11 (1) and 11 (2).

7. Compensation has been awarded in several cases on account of increased cost of cultivation of parts of estates divided off by the railway as the coolies will have to pass through particular points or crossings provided by the Railway Company instead of walking through all or the greater portion of the estates as before the acquisition of the railway lands. The award of such compensation does not, I assume, make the estate-owners liable to the cost of maintaining roads within or without acquired limits for obvious reasons.

S. There are only two \* cases in which compensation was awarded for parts of roads taken up within acquired limits. The *dictum* of Government as expressed in para. 2 of your letter, which is in accordance with the provisions of the Railway Act, proviso (a) to section 11 (3), will be kept in view in such cases.

ORDER—dated 21st March 1893, No. 588 R., Public Works.

The Collector's views as to the incidence of cost of maintaining road and path communications lying within and without property acquired for the Nilgiri Railway Company in cases where compensation for severance has not been provided for are correct.

(True Extract.)

(Signed) F. R. UPCOTT,  
Joint Secy. to Govt., P.W.D.,  
Railway Branch.

To the Consulting Engineer for Railways.  
" Secretary and Agent, Nilgiri Railway Company.  
" Revenue Department.  
" Collector of Nilgiris.  
" Examiner, Public Works Accounts.  
" " Guaranteed Railway Accounts.

Exd. A. D. Xavier.  
Spare Copies.

RAILWAY.  
Govt. of {1893} Madras.  
PUBLIC WORKS.

Dated March, 21st.

Recd.

Encl.

G.O., 21st Mar. 1893, No. 588 R.

MARCH.

Nilgiri Railway Company

Accepting as correct the views of the Collector of the Nilgiris as to the incidence of cost of maintaining road and path communications lying within and without property acquired for the — in cases where compensation for severance has not been provided for.

Marshall note to para 9.

Amount mentioned in the Statement appended to the letter recorded in G.O. No. 368 R dated 18th Feb. 1893

awards & paid

paid. Cost of Coonan Station lands. 13742 - 11 - 2

Cost of 50 cents of land required from Mrs. Stokes property } 125 - 0 - 0

paid Pay of the Dy. Rev. Inspector } 835 - 0 - 0  
in this person

Amount spent by the R.W. for keeping pen & repairing the Chant roads } 15000 - 0 - 0

paid For Coolies employed in keeping } 834 - 14 - 8  
the pen

paid Cost of new Toll house at } 125 - 0 - 0  
Beahope

paid Damage by blasting — 114 - 7 - 3

Probable Compensation for the area damaged in gleam } 852 - 0 - 0

D. D. Beahope 2482 - 0 - 0

D. D. in other States 6209 - 0 - 0

Probable cost of the two walls to be erected at Beahope } 100 - 0 - 0

Cost of clearing channels - 800 - 0 - 0

128175 - 0 - 1

J. S. Res.  
Admtr

No. 19  
Confidential

Kilpuri Collection Office  
Ootacamund  
2<sup>nd</sup> March 1894

From

J. D. Lees Esquire C. I. E.  
Collector of Kilpuri

To

The Joint Secretary to Government  
Public Works Department  
Railway Branch  
Madras

Sir,

In the letter recorded in  
Government Order dated 18<sup>th</sup>  
February 1893 No. 368 R Public  
works, I furnished Government  
with a statement of the cost  
of acquisition of lands for the  
Kilpuri Railway from the Commence-  
ment to 16<sup>th</sup> January 1893. As  
I have since my return from  
furlough inspected all the  
private estates through which  
the Railway passes, I propose  
to bring the revenue history  
of the railway up to date  
and

And to furnish Government with a necessarily very rough estimate of what will be the probable cost of damages up to the date of Completion

2. My earlier letter showed that Rs 87054-15-0 had been expended up to 16<sup>th</sup> January 1893 and since that date, land was acquired for Joonoor Station at a total cost of Rs 13742-11-2, at enormous prices, inclusive of interest and fees to Assessors, the Acting Collector Mr. Wolfe Murray's offer having been refused. I am at present engaged in the acquisition of about 50 cents for which land is to be given in exchange but the value of which may be put down as Rs 125. To this must be added Rs 835 for the Railway Revenue Inspector and his peon, while the Superintending Engineer Combarone Circle informs me in reply to a private communication that the P.W.D. have

have been spending Rs 15000 in keeping open and repairing damages caused to the Ghaut road by the Railway works. Another item to be added to the cost to date are the charges for Coolies employed in keeping open paths in Coffee Estates covered by Spoil. Up to date a sum of Rs 834-14-8 has been expended under this head. Rs 125 have also been sanctioned for constructing a new toll house in lieu of an old one rendered dangerous owing to blasting operations.

And a small sum of Rs 14-7-3

|                   |               |
|-------------------|---------------|
| 3 Line Sheet 8ft  | 39-0-0        |
| 2 Line Sheet 5ft  | 34-0-0        |
| 2 Mangalore 0-3-3 |               |
| Cost of repair    | 1-4-0         |
|                   | <u>44-7-3</u> |

has already been awarded and paid for damages done to a private house by blasting. The detail is shown in the margin.

3. To turn to the Estates lately inspected through which the Railway passes, Glenmore consists of 417.45 acres of which about 206 are planted, of which 20.16 acres were

were acquired and the acquisition  
extended from the line <sup>down</sup> up to the river.  
Unfortunately, the excavations  
made for the line have led to a  
most disastrous land slip which  
penetrates through the best portion  
of the estate very nearly to its  
upper extremity. The contents of this  
slip and of two other small slips in  
the same estate amount in all to  
acres 1.42 and if Mr. Allen were  
compensated for this area at the  
same rate at which he was paid for  
the acquisitions already made  
£852 would have to be paid him;  
but in fact his estate is much  
more injuriously affected than  
would appear from the acreage  
actually damaged by the slip.  
It is impossible to tell to what  
extent this slip may develop  
or where others may appear and  
it is possible though I hope not  
probable, if further damages  
occur that Government might  
as an extreme case be bound  
to

to take up his whole estate in which  
case a very large sum would  
be payable and perhaps as much  
as a lakh and a half of rupees  
might be claimed. Mr. Allen himself  
declares that if the chief land  
slip develops or such another occurs,  
he will demand the acquisition  
of the whole estate. It is only to consider  
whether or not any such claim would be sustainable.  
4. In Duncry made there are only  
very small slips and considerable  
damage to a road which being  
within the acquisition is now  
being repaired by the Engineer  
in Chief of the Railway.  
5. In Hill Grove Estate, Government  
is at present keeping open a path  
at an expense of <sup>per annum</sup> £470 by an  
establishment of <sup>six</sup> Coolies. ~~for~~  
~~Some time ago the Coolies at present~~  
There is every prospect that a  
similar expense will be incurred  
<sup>next</sup> ~~this~~ year in which case the £470 may  
be added to the bill.  
6. In Benhope Estate an area  
of

of 2.82 acres is already Spoilt  
and if this is subsequently —  
acquired at Rs 880 per acre Mr  
Rhodes James will be entitled to  
Rs 2482. To this must be added  
the cost of the clearance of the  
channel concerning which I  
have just addressed the Board  
and Government (B.P No 219 mis dated  
15<sup>th</sup> Feby 1894) and which will  
perhaps not be less than Rs 800.

Mr James is also engaged in building  
with the consent of the Collector  
two small walls to check the  
falling of spoil. The total cost  
of such walls will not be less  
probably than Rs 100.

7. On the steep slopes of Hurambodi  
and Barliyan paths and channels  
are covered by Spoil and it will  
be very difficult to keep open  
one or two of the main paths  
which are required for working  
these estates. This is a matter  
which requires the attention  
of experts and I assume that the  
Order

orders of Government which  
I anticipate, allowing me to call  
for the aid of the Public Works  
Department in regard to Mr  
James' Channel will also extend  
to the clearing of these or any  
other important communications.  
The Railway blasting etc is in  
such active progress in Barliyan  
and Benhope that Coolies cannot  
work every day, but occasion  
has to be taken for the prosecution  
of their operations during the  
momentary cessation of the  
Railway work. It is absolutely  
necessary that the main paths  
in Barliyan Estate should be  
kept open or the Government will  
be exposed to <sup>the risk of</sup> an action for damages  
and though the difficulty which  
is experienced here is also met with  
in other estates, this is the most  
serious and typical case. I do  
not think Government will keep  
open

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open

Open Communications at Barliya  
at less cost than <sup>per annum</sup> Rs 600, supposing  
10 coolies to work 3 days a week.  
As the Public Works Department  
is spending at the rate of Rs 15000  
a year as Mr. Hauman informs  
me in connection with Railway  
damages, it seems a great pity  
that a skilled department with  
labour at hand should not be  
entrusted with the duty of keeping  
open these Communications, for the  
Sub-divisional officer is continually  
on the ground, while a Sub-overseer  
is permanently stationed at  
Beuhope. It would be infinitely  
more satisfactory if these —  
professional officers had the  
conduct of these scattered  
operations which are difficult  
to supervise and in conducting  
which, the Collector labors under  
the difficulty of being without  
any establishment excepting  
the Railway Revenue Inspector.  
The Collector has <sup>minor</sup> no store of tools  
and

And though he inspects as often  
as he can the field of operations  
is at the extreme end of the district  
and out of the way of his establish-  
ments

8. Under the sanction accorded  
by G.O. dated 21st March 1893 N<sup>o</sup> 588  
R, Rs 834-14-8 in all have been  
spent up to date on Coolies

9. The total of all the sums  
specified above <sup>including</sup> and the amount  
that may be payable for the lands  
damaged ~~on other estates if they~~  
~~amount to~~ ~~to be acquired amounts to~~  
Rs 128175-0-1 as per margin.

\* Vide Sd/-  
list at the end  
of the letter.

10. Assuming that the Railway works  
will be in progress for a year more  
another Rs 15000 will be expended  
by the P. W. and the following —  
recurring items have to be added  
viz Rev: Inspector & peon. Rs 828 and  
Coolies for keeping paths open Rs 835.  
Thus a total of Rs 144838-0-1 is arrived  
at. If the work is not completed  
in the third year several of these  
items in a diminishing ratio will  
have

have to be repeated.

11. The Railway works were commenced before I joined the district and there may be some estimates in existence but I can find nothing and it appears that alignment was settled without any consideration of the cost to Government, for it passes through a large amount of private land. Whether or not this could have been avoided I cannot say, but I believe, that my estimate, rough as it is, may be of some use in the absence of any other.

12. A reference to paragraph 5 of my letter recorded in G.O. dated 18<sup>th</sup> February 1893 N. 368R will show that it had been originally proposed to acquire 64.28 acres for Spoil banks, a large portion of which was situated in the valuable estates of Benhope and Barliper. It will be seen from the rough estimate

now

5

now made that probably only 27.02 acres will have to be taken up, and though this exhibits a considerable saving, it is by no means the only saving for many <sup>actual</sup> spoil banks are right outside the land which was proposed to be acquired for this purpose.

13. With regard to the settlement for damages, there is no point of any importance at which damage is not at present, and is not likely to be for some time, continuous. I assume that when the settlement is finally effected a fair percentage on the amount awarded will have to be given to proprietors concerned in consideration of the time during which they have been deprived of the use of their land, without having been in possession of the compensation money. It would obviously be impossible to make any ad interim settlement and I think that I should be in a position to

to inform proprietors that 6 percent will be paid because it may happen at any time that work may be suspended for a period of perhaps several months and in that case owners will no doubt begin to ask for payment or for an assurance that they will not be prejudiced by delay.

14. Indeed it is unlikely that work will be prosecuted for a longer period than 2 months by the Company and it is of great importance that when work ceases, channels and communications should be open. I shall now ask the Chief Engineer of the Railway to do what he can. That he always does and he has been <sup>invariably</sup> ~~generally~~ conciliatory and helpful, as proprietors have, I consider, been generally patient and forbearing. But the <sup>Engineer in chief</sup> ~~Engineer~~ is hampered by want of funds and I feel when calling on him to keep open roads within aquisition, that he really is hardly in a position to do so. It is therefore necessary to

to look forward and I think that whenever the work ceases in view of the possibility, that Government may eventually take the Railway over, of the fact that owners can get no damages out of the Railway, ~~and~~ of the complex state of affairs and of the fact that no large sum will need to be expended, that the D.P.W. should as soon as the Company ceases to work, be called on to make good temporarily all channels and communications not found at such time to be in a working and satisfactory condition. I would further suggest that when the Government visits its summer quarters, the Collector be directed to meet the Honorable member <sup>Public Works</sup> in charge of the ~~Public Works~~ portfolio, on the Ghaut. Riding alongside the Honorable member's carriage he could point out many of the cases in which damages have occurred and some of the <sup>worst</sup> ~~most~~ cases can be seen perfectly well from the Ghaut road

15. In my rough estimate I have  
just entered as compensation  
the value of the land actually  
spoilt to date calculated at  
the rates I awarded when land  
in each individual estate  
was acquired, but I must at  
once say that I do not think this  
will be sufficient compensation.  
Several valuable estates are  
grievously knocked about and the  
working seriously hampered  
and when a land slip runs from  
top to bottom of an estate, for  
instance, merely to pay for the  
land occupied by the slip is no  
sufficient compensation and  
I feel sure, no Court would  
find it so.

16. This is a matter for future  
settlement but I think it right  
to say that the damages in  
Barligar, Glenimore and Benthope  
and perhaps elsewhere will  
be much higher than the figures  
now

Given.

I have the honour to be,  
Sir,  
Your most obedient servant

J. D. R. Es.  
Collector.

18/13

Confidential

P. W. CURRENT No. 1737

From

The Collector of  
Nilgiris

To  
The Joint Secretary to Government  
Public Works Department  
Railway Branch  
Madras

Recd 5/5/94

No 19

Date & 2<sup>nd</sup> } March 1894  
Received

Nilgiri Railway

Submitting for the information  
of Govt a rough estimate  
of the probable cost of  
damages re up to the date  
of completion of the —

From R. To W.

Forwarded for favour  
of his opinion on para

7- Mar 10/94

No 1148 C of March 14, 1894.  
R

I entirely concur  
in the Collector's views  
and am prepared to  
accept his proposals.

S

No 1187 C of 15<sup>th</sup> March 1894

Forwarded to the  
Collector to be so good  
as take such steps  
as are necessary to  
hand over the blocked  
paths & channels.

I don't know the pro-  
cedure but as Col. Pannier  
Smith has stated his  
views the Collector  
will be able to follow  
them.

J. R. M.

15  
3 94

W.

Collector's letter forwarded  
It is presumed W. will  
write a f.o. ?

Mar

19  
3 94

No 9014 Nilgiri Collectors Office  
1894 Coimbatore, October 1894.

From J. D. Rees Esquire C. I. E.  
Collector of Nilgiris

The Joint Secretary to Government  
Revenue Department  
Madras

With reference to my letter of 2<sup>nd</sup> March  
1894 No 19 and particularly with reference  
to para 13 thereof I beg leave to ask if  
I may inform owners of stakes on the  
Chant that they will be paid the proposed  
percentage on the amount which may be  
subsequently awarded to them as damages.

I ask as I have received no order on  
my letter and several proprietors have  
addressed me on the subject.

I have the honor to be  
Sir

Your most obedient servant

*[Signature]*  
for Collector

P.W. CURRENT NO. 8385  
Revenue 1894 Dept.

Current No. 11964.

From

The Collector of Nilgiris

To

The Joint Secretary

to Government

Revenue Department

Recd. S. Gradras  
74

Dated 5th October 1894

Letter No 751

Railway Branch

Damages

Soliciting orders if the owners  
of the estates to which damage  
has been caused may be informed  
that they will be given preference  
on the amount that may be  
granted.

With an endorsement

Endorsement 2141. R

Transferred to the P.W. Dept. (Railway)

Secretary to Government.

Fort St George  
1st November 1894

2141  
31.10.94

From in No. 907 - Nilgiri Collector's Office  
Ootacamund 5 October 1894.  
From J.D. Deshpande C. I. E.  
Collector of Nilgiris

To the Joint Secretary  
to Government

Public Works Department. Railway Branch  
Madras

Sir  
In continuation of my letter dated 25th  
instant of the above No. I beg leave to  
ask that orders may also be passed  
on the subject of authorizing the Public  
Works Department to keep open the paths  
blocked by spoil thrown down the  
Railway line for the reasons stated in  
para 7 of my letter No 19 dated 2nd  
March 1894.

2. It is not necessary to report the  
arguments I have already adduced at  
present I have not even the Railway Revenue  
Inspector for whom there has been so little  
work since June last that I thought it  
right to dispense with his services until  
regular work on the Railway was resumed.

3. The carrying orders of Government are solicited  
as the paths & channels in the States  
are very likely to be seriously damaged

by the October rains which have  
already begun.

I have the honor to be

Sir

Your most obedient servant

Wm. H. P. Jones

for Collector



*Director of Public Works*

*do*

*The Govt. Secy to Government  
R.M.D. Railway Branch  
Madras*

*Dated: } October 1894  
Recd. } 1.11.94  
Recd. Secy to Govt. 9099  
94*

*Railway  
Damage to State paths etc*

*Collecting orders of Government  
for the authorisation of D.P.W.  
to look after the paths &c  
damaged by Spoil*

## PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

*Letter from the Collector of Nilgiris No. 19 of  
2<sup>nd</sup> March 1894.*

*End<sup>d</sup> in the Res depts No. 2141 & of 1<sup>st</sup> Nov<sup>r</sup>  
1894 on letter from the Collector of  
Nilgiris No. 901 & of 25<sup>th</sup> October 1894.  
from the Coll<sup>r</sup> of Nilgiris No. 901 & of  
30<sup>th</sup> October 1894.*

*Order: — Nov<sup>r</sup> 14, 1894, No. 2907 W*

*The Supt<sup>r</sup> Engineer in circle  
will arrange for keeping open the  
paths on estates and elsewhere which  
may become blocked by spoil  
from the Nilgiri Railway works.*

*2. The question of compensation  
to private owners for damage  
to their estates will be considered*

in the Railway Branch.

REGISTER  
No. 5792-  
FILE  
113

(True Extract)

C. H. B. Bollen  
Under Secy to Govt. P. W. D.

The Railway Branch with papers  
in original & full

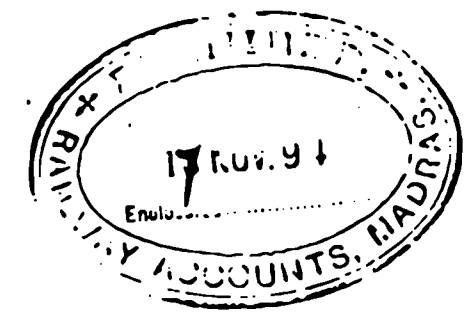
" Revenue Dept.

Why are these & are  
confidential?

" Suptg Engrs & Civils

R. ...  
Revenue & Civils  
...  
...

Ep. 116



P. W. D. Railway Branch  
Madras November 1894

No 3616 C. dated 15.11.94

P. W. D. G. O. No. 2907 W  
dated 14<sup>th</sup> November 1894.

Copy forwarded  
to the Collector of Nilgiris  
for information.

2. Orders on the ques-  
tion of compensation re-  
ferred to in para 2 of the  
G.O. will follow.

A. H. 15/11

For R

To The Collector of Nilgiris

When the Kilgus Ry was  
first started, it was decided  
for the sake of economy to  
pay a hand over to the Co.  
the actual amount of land  
required for the works only.  
As the work is on sloping  
ground the acquisition of  
large areas for throwing the  
spoil or excavation of cut-  
tings, upon, was for a long time  
been very costly and the  
Govt. agreed to compensate  
estate owners for damage  
done to estates outside the  
Ry boundary, by spoil  
being thrown thereon, by  
rocks & stones falling on  
the coffee bushes by blasting,  
by the obstructions caused  
in the paths & watercourses  
etc etc.

The latter work of keeping  
the paths & watercourses  
open has been carried  
out by the P. W. Dept.

Orders are required on the  
Collector's proposal that  
to each <sup>to be hereafter</sup> 6 per cent on the  
amount awarded should  
be given to owners who  
have been compensated  
in consideration of the  
time they have been  
deprived of the use of  
their land - it being  
impossible to make an

ad interim settlement,  
 From the information  
 given in Collector letter  
 The probable compensa-  
 tion will be about,

|               |          |
|---------------|----------|
| Glenns estate | 852-0-0  |
| Benholts "    | 2482-0-0 |
| Other "       | 6209-0-0 |
|               | <hr/>    |
|               | 9543-0-0 |

and the 6 per centage  
 will amount to 570/.  
 The Collector recommen-  
 dation may I think be  
 accepted & he may be  
~~authorized~~ authorized  
 to promise the 6 % on  
 the sums above

Free

27/11/94

*[Faint, mostly illegible handwritten notes, possibly a second draft or commentary.]*

27/11/94  
 29/11/94  
 I have no objection to this proposal  
 if there is no account objection.  
 I speak the above comments to  
 clear any fixed period for  
 the ground for the delay in  
 payment of this bill & that the  
 bill may be presented to the C.A.

Free

His Excellency the Governor  
 Hon. Mr. Rivers  
 Hon. Mr. Jones

Draft letter  
 Free  
 27/11

Government of Madras.

PUBLIC WORKS DEPARTMENT,  
RAILWAY BRANCH.

To

THE Collector of PudukottaiBotanacur30th November 1894

Sir,

With reference to para 2 of P. W. D. Endorsement No. 3616C, dated 15th November 1894, I am directed to communicate the sanction of Government to you informing owners of estates that they will be paid 6 percent on the amount which may hereafter be awarded to them as damages.

Yrs

DESPATCHED

30 NOV. 94

Compensation for  
damage & losses  
by the Pudukottai Railway  
Operations.

N° 639 a y 30 manabes 1891

639<sup>10</sup>

7/12

204/12