M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1479 Press ~~Mis.~~

91-92

Dated 10 - 8 - ~~19~~1863.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 10th August 1863.

No. 91. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 24th July 1863, No. 4,586 :—

SIR,

1. With reference to the Government Order, dated 31st October 1862, No. 2,323, I am directed by the Board of Revenue to submit for the information of Government, a file of the printed replies of Collectors to the Board's Circular dated 4th November 1862, No. 7,278, calling upon them to report on the working of Act VI of 1857 in their Districts, with reference to the remarks of the Government of India on the large sums paid as compensation for lands taken up for public purposes under awards of arbitration, and on the measures that ought to be adopted to protect the interests of the State in such matters.

2. It will be seen that in the instances in which the Act has been put in force in this Presidency, the rights of Government have been carefully guarded when granting compensation for lands taken up for the Railway or other public purposes, and that the sums awarded and paid for such lands have not been excessive. In all cases where two or more arbitrators have been appointed, one has been invariably a public servant whose judgment could be relied upon, and in the few instances in which a single arbitrator has been nominated, the interests of Government have been watched by a trustworthy public Officer.

3. In Kurnool, a Deputy Collector is employed for the special duty of making over lands in the District required by the Irrigation and Canal Company. This Officer, who was previously employed in Tanjore, in the acquisition of lands for the Great Southern of India Railway, has succeeded in procuring all the land required by mutual agreement.

4. The Board do not, therefore, think that any change is required in the Act as it now stands, and that in cases where a resort to it is rendered necessary, its provisions are quite sufficient for the protection of the interests of Government.

No. 92. ORDER THEREON, 10th August 1863, No. 1,479.

1. The Governor in Council concurs with the Board that in this Presidency the interests of Government have been very fairly protected in the grant of compensation for land required for public purposes.

2. In the cases where a large extent of land has been required, as for instance for the Irrigation Company in Kurnool, the Great Southern of India Company in Tanjore, and the North Western Railway, the duty of fixing the compensation has been entrusted to a Covenanted Assistant of the Collector or to an experienced Deputy Collector, and this plan has ensured justice to all concerned and has obviated delay. In other cases, the duty has been performed by Revenue Officers acting under the Collector's orders. References to arbitration have been comparatively rare, the award of the Government Officer having usually been accepted. Arbitration by a single arbitrator has been resorted to in very exceptional cases, and care of course taken that the individual selected was both impartial and independent. The precautions suggested by the Supreme Government appear to be already very generally adopted, and nothing more is requisite than to prescribe as a general rule that where arbitrators are appointed by each party the Government nominee shall be a well qualified and trustworthy official, and that where only a single arbitrator is appointed under Section XI of Act VI of 1857, an Officer shall be specially deputed by the Collector to watch over the interests of Government.

3. The Government do not consider that the single arbitrator appointed under Section X of the above Act with the concurrence of all interested must necessarily be a person not in the service of Government, this prohibition seems restricted by Section XI to cases where no claimants attend or where the parties interested refuse or neglect for fifteen days to appoint an arbitrato . Practically, however, proprietors would rarely entrust their interests to an arbitrator dependent on the Government.

(True Extract.)

Deputy Secretary to Government.

To the Board of Revenue.
" Financial Railway Department.
" Department Public Works.

Exd. S. T. Augustin.

CIRCULAR.

MISCELLANEOUS.

No. 7,278.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th November 1862.

Read the following:—

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following:—

FINANCIAL RAILWAY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from Lieutenant-Colonel R. STRACHEY, R. E., Secretary to the Government of India, to the Local Governments and Administrations subordinate to the Government of India, Public Works Department, dated Fort William, 20th September 1862, Circular No. 92.

General.

1. The Government of India has recently had occasion to remark that very large sums of money have been paid for land taken for public purposes under awards by arbitration, and has reason to fear that all those precautions that are essential are not taken to guard the interests of the State in such matters. It is notorious that where public and private interests come into conflict in the manner now spoken of, there is always a tendency to sacrifice the former; and the increasing prospect of Railways and other Public Works being undertaken by private Companies, under engagements with the Government that the latter shall pay for the land, makes the present time one in which it becomes specially necessary to pay strict attention to this point.

2. The Governor General in Council requests therefore that the subject may receive special attention with a view to some practical steps being taken to secure for the Government, in every case of a resort to arbitration being necessary, a thoroughly efficient representation of its equitable rights and interests. The Act (No. VI of 1857) for the acquisition of land for public purposes places no restriction on the appointment of Arbitrators unless there is only one to be named, in which case it is provided that he shall not be an Officer of Government. But this last case, it may be presumed, will not commonly arise when large sums are at stake. It appears therefore that there is no reason why a well qualified Official should not be selected to represent the Government in all cases where two Arbitrators are appointed; and that where only one is named, some Officer should in like manner be specially charged to see that the interests of the Government are efficiently watched in the proceedings before the single Arbitrator. But His Excellency in Council would be glad to receive any observations on this point which may appear fit to offer.

Copy forwarded for information to the Secretary to the Government of Fort Saint George, in the Public Works Department, Railway Branch.

ORDER THEREON, 27th October 1862, No. 601.

Communicated to the Revenue, Public and Public Works Departments, and to the Consulting Engineer for Railways.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

CIRCULAR.

MISCELLANEOUS.

PROCEEDINGS OF THE BOARD OF REVENUE.

To All Collectors.

Dated 4th November 1862.

Received

No. 7,278.

Circulating to Collectors Order of Government on the subject of money paid for land taken for public purposes under awards by arbitration for such remarks as their experience of the working of Act VI of 1857 may enable them to offer.

ORDER THEREON, 31st October 1862, No. 2,323.

Communicated to the Board of Revenue, for information and for such suggestions as they may deem it proper to make.

(True Extract.)

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

Ordered to be circulated to all Collectors for such remarks as their experience of the working of the Act may enable them to offer. The Board request early replies.

(True Extracts.)

(Signed) W. HUDLESTON,
Secretary.

(True Copy.)

(Signed) W. SCHARLIEB,
First Assistant.

To All Collectors.

Exd. J. Tulloch.

From P. GRANT, Esq., Collector of Coimbatore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 12th November 1862, No. 236.

I beg to acknowledge the Board's Miscellaneous Circular of 4th instant, No. 7,278. I have watched the operation of Act VI of 1857 in the Province of Malabar, where it was frequently put into force in the acquisition of land for Railway purposes, all land there, a few escheats excepted, being private property, and I am bound to say that I believe its provisions were fairly carried out. Still I think that it would be well to provide for the appointment of a "well qualified official" in such cases as the Collector or other Officer might deem it expedient to call his services into play. The fact that the Collector had this power, would tend to check abuse.

Exd. J. Wright.

From D. F. CARMICHAEL, Esq., Acting Collector of Vizagapatam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 14th November 1862, No. 934.

In reply to the Board's Circular, calling for such remarks as the experience of each Collector of the working of Act VI of 1857 may enable him to offer, I have the honor to state that I have no experience in the application of this particular enactment.

Exd. J. Wright.

5 47

From J. SILVER, Esq., Collector of Tinnevelly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 17th November 1862, No. 490.

With reference to the Board's Miscellaneous Circular of the 4th instant, No. 7,278, circulating an Order of Government on the subject of money paid for land taken for public purposes, I have the honor to state that no land has been purchased in this District for public purposes.

Exd, J. Wright.

No. 7,611.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th November 1862.

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chittoor, 10th November 1862, No. 232 :—

Dated 4th November 1862, No. 7,278.

In reply to the Proceedings of the Board noted in the margin, which refer to the working of Act VI of 1857, I have the honor to state that in no District in which I have served has that Act been brought into operation during my tenure of office. In awarding compensation for land taken for public purposes both in this District and in Cuddapah, I should say that private have generally been sacrificed to public interests rather than the reverse.

---

1. The Acting Collector will please to report how land required for the Railway in his District is secured, and what course has been followed by his predecessors or himself, in order to ascertain in whom the property in the land vests, if in North Arcot the procedure prescribed for that purpose by Act VI of 1857 has never been observed.

2. He will also explain more fully in what way he supposes the interests of private parties have been sacrificed.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. Fraser, Esq., Acting Collector of North Arcot.

Ex d. J. Wright.

1862. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 20th November 1862.

No. 7,611.

Requesting to know how land required for the Railway is secured, and certain other information regarding Act VI of 1857.

From B. CUNLIFFE, Esq., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Saidapet, 22nd November 1862, No. 409.

1. I have the honor to reply to Board's Circular, Miscellaneous No. 7,278 of the 4th instant.

2. The course suggested in paragraph 2 of Lieutenant-Colonel Strachey's letter has been followed by me on all the many occasions of arbitration by two arbitrators at the Presidency under Acts I of 1854 (rescinded) and VI of 1857. A qualified public officer has been appointed by me on the part of the Government, and has been instructed in the particulars of the case, though he has been left entirely unrestricted as to the amount to be awarded by him.

3. This is not usually the case on the other side, the arbitrator generally comes determined to fix a certain sum, and the arbitrators disagreeing, the matter is decided by the third arbitrator, who, in most instances coincides with the opinion of the Government arbitrator, and awards the sum, or near it, which I had previously offered.

4. The arbitrations at Madras have on the whole been conducted with much fairness and judgment. When the question at issue is the value of landed property I prefer the arbitration of natives, over that of Europeans, for while the former have a better knowledge of the subject and stricter ideas of the value of money, the latter from their larger dealings, are not particular as to a few hundred Rupees.

5. In single arbitrations I have always engaged the services of a native gentleman, and placed in attendance upon him an official to represent the Government interests, and in every case I have been entirely satisfied with the award.

Exd. J. Wright.

From V. H. LEVINGE, Esq., Collector of Madura, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vadakarai, 26th November 1862, No. 255.

With reference to the Miscellaneous Circular of the Board dated the 4th instant, No. 7,278, I have the honor to submit that there is no instance on my records in which Act VI of 1857 was brought into operation, and I therefore have no suggestion to make, based upon past experience.

Exd. J. Wright.

From A. WEDDERBURN, Esq., Collector of Cuddapah, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 27th November 1862, No. 157.

1. With reference to the Proceedings of the Madras Government, forwarded with the Board's Circular of 4th November 1862, No. 7,278, I have the honor to state that in the arrangements for the acquisition of land for public purposes, large sums have not, hitherto, been at stake, and the awards, when made by arbitrators for Railway land, have been strictly scrutinized, and considered fair, both by the Deputy Collector, charged with this special duty, and by the Collector.

2. The value of land has been determined by a consideration of its intrinsic value, and collateral advantages, and when I record that the sum paid for the land to be occupied by the Railway in this District, which passes in many instances, through valuable cultivation, and has nearly been all measured and made over for a distance of 130 miles has not exceeded the sum of Rupees 50,000, I think it will be allowed that the cost has been moderate.

3. The duty of valuing and making over land in this District was performed in the years 1858-59 by a Covenanted Assistant; from 1859 to the present day by a very experienced Deputy Collector, and I have reason to be satisfied with the result of his operations in watching over the interests of Government.

4. A single instance of a contrary nature came under my observation, when my predecessor had as I think, irregularly remitted the inquiry as to the valuation of Acres 0, Guntas 39, Annas 6 of land of little intrinsic value, but with 31 mango trees on it, to a Tahsildar* for report, the land with the trees was valued at Rupees 1,290, which valuation I could not concur in, but on subsequently having the same land valued by the Deputy Collector and arbitrators, the amount of Rupees 625 was considered a fair price, and would doubtlessly have been thought so at first, had not local interest, if nothing worse, swayed the opinion of valuators and Tahsildar.

* Since deceased.

5. By the appointment of a special trustworthy and experienced Deputy Collector, I consider that the interests of Government are duly protected.

6. I shall also advert to another instance where an Engineer Office of the Railway, considered that too great a price had been allowed for a well which had fallen within the land required under Class C. The price was Rupees 104, but as besides the mere excavation of the well, certain land had been enclosed by a wall, and improved for irrigation, by means of this well, I refused to admit that the valuation was excessive. The land had been rendered valueless by the loss of the well, which of course must be excavated in a position to command irrigation; the money spent on the land was thrown away, and therefore it appeared but equitable that compensation should be allowed.

7. I have had no instance of a single arbitrator, and would be very much disinclined to have recourse to such a mode of leaving the Government interests at the disposal of an unofficial person. The practice has been to appoint arbitrators selected by the parties interested, and neutrals from other villages, selected by the Government Officer who watched over their proceedings, and the results were fair to Government, and accepted by the parties interested.

8. As to land for public works not of the Revenue Department, there has been little taking up of cultivated or occupied land. The only instances were a new and improved cut in the road from Mundem to Gurumconda, which was settled by the Sub-Collector, and the land taken for the District Engineer's Office at Cuddapah, part of which was taken by the Collector under the Act, in consequence of the refusal of one of the petty occupiers to receive a liberal valuation of Rupees 200 per acre.

9. Seven years' purchase is accepted for *good* land, when not close to a town, where of course, it is, from special causes more valuable. I can only add that the Government interests have been duly watched over in this District, and have not been sacrificed, in any instance to my knowledge.

Exd. J. Wright.

From A. HATHAWAY, Esq., Collector of Bellary, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Dharmavarum, 3rd December 1862, No. 174.

With reference to the Proceedings of the Board of Revenue, Miscellaneous No. 7,278 of the 4th ultimo, I have the honor to state that in my opinion it is very desirable that a well qualified official should be appointed to represent the Government, in all cases in which it may be necessary to award compensation for lands required for public purposes.

Exd. J. Wright.

From J. I. MINCHIN, Esq., Collector of Kurnool, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 4th December 1862, No. 141.

1. I have the honor to offer the remarks called for in the Board's Proceedings of the 4th November 1862, No. 7,278, on the working of Act VI of 1857, and the necessity for any change in its provisions.

2. I am not of opinion that any change is called for, but believe the interests of Government are as well guarded by the provisions of the Act as it now stands, as is compatible with a due regard for the private interests concerned.

3. There is nothing to prevent a Government Officer being appointed as arbitrator where two are named, and in practice such would generally be done, unless another equally well qualified person were preferred by the Collector in the interests of the State.

4. The Collector would never agree to the appointment of a single arbitrator, unless he were assured that such person would not sacrifice the public interests for the benefit of private parties.

5. While recording my opinion, that no change is required in the Act, I must state that it has never been necessary to make use of it in making over land in this District to the Irrigation Company.

6. The Deputy Collector, Ragoonatha Row, who has been employed on this special duty both in this District, and in Tanjore for the South of India Railway, has, by his tact, attention to duty and proved determination to treat all parties with justice, been able to procure all the land required by mutual agreement, and where the same care is taken in the operation, the same result can I believe be generally obtained.

7. Act VI of 1857 is necessary as a last resort, where land cannot be obtained otherwise on fair terms, and in such cases its provisions appear to me perfectly suited for the end in view.

8. In carrying them out however, it would be advisable to allow no further destruction of property to take place previous to arbitration after the land has been taken possession of on the part of Government, than necessary for the purposes indicated in Section 34, as where trees have been removed, and other damage inflicted, the cost of such damage is naturally exaggerated in the evidence produced before the arbitrators, and the Government may thus be sometimes put to an unnecessary expense for compensation.

Exd. J. Wright.

No. 7,941.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 5th December 1862.

Read the following letter from G. L. MORRIS, Esq., Acting Collector of Tanjore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Vellum, 20th November 1862, No. 438 :—

1. I have the honor to acknowledge the receipt of the Board's Miscellaneous Circular No. 7,278, dated 4th November 1862, in which I am requested to make any remarks regarding the working of Act VI of 1857 which my experience may enable me to offer.

2. Since the year 1859 this Act has been brought into operation in this District, with reference to land required by the Great Southern of India Railway, and though the price which Government has paid for the acquisition of such land has not been very high, yet it has been higher than what the land would, as a general rule, have fetched if it had been sold to a private individual. I am therefore of opinion that a well qualified official should be selected to represent the Government in all cases where two arbitrators are appointed under Act VI of 1857, and that when one only is named, some Officer should be specially charged to see that the interests of Government are efficiently watched in the proceedings before the single arbitrator.

---

1. This letter will be disposed of finally with the other replies on the same subject.

2. Meanwhile the Acting Collector will understand that it rests with himself to adopt the measures he advocates as likely to be beneficial to the interests of the State.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To G. L. Morris, Esq., Acting Collector of Tanjore.

Exd. J. Wright.

1862. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 5th December 1862.

No. 7,941.

Stating that the report on the working of Act VI of 1857 will be disposed of with the other replies on the same subject, and observing that in the meanwhile it rests with the Acting Collector to adopt the measures he advocates.

From Æ. R. McDONELL, Esq., Collector of Trichinopoly, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 23rd December 1862, No. 209.

1. I have the honor, with reference to the Board's Proceedings, Miscellaneous Circular, No. 7,278, dated the 4th of November last, to report that up to this, the provisions of Act VI of 1857 have been found in this District quite sufficient for the protection of Government interests.

2. C. 191, G. 69, A. 8, have been thus purchased in thus District for Railway purposes; the average rates paid for the several descriptions of land are as follows, viz.:—

	Rs.	A.	P.
Nunjah per Cawny...	147	10	6
Punjah...	5	6	3
Garden...	3	15	6

these are very moderate, and below the actual value of the land.

3. It is however very advisable as a precautionary measure, to select some well qualified official to represent the Government in all cases where two arbitrators are appointed in like manner; this same official might be charged to see that the interests of Government be efficiently guarded in proceedings held by a single arbitrator.

Exd. J. Wright.

Exd. J. Wright.

From A. PURVIS, Esq., Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Peddapur, 15th December 1862, No. 243.

1. With reference to the Proceedings of the Board of Revenue dated 4th ultimo, forwarding the Proceedings of the Government of the 31st October last, on the subject of the large sums paid for land taken for public purposes under awards by arbitration in accordance with the provisions of Act VI of 1857, I have the honor to state that in no instance has the Act referred to been hitherto brough' into operation in this District.

2. Where here is more than one arbitrator, the course pointed out in the letter of the Secretary to the Government of India of the 20th September, which accompanied the Proceedings under reply, suggesting the selection of a Government Officer as one of the arbitrators, may be followed without inconvenience, and generally with advantage to the interests of the State.

From E. B. FOORD, Esq., Acting Collector of the Kistna District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Gudewadah, 13th January 1863, No. 4.

1. I have the honor to acknowledge the receipt of the Board's Miscellaneous Circular Proceedings No. 7,278, dated 4th November last, giving cover to the Order of Government, 31st October 1862, No. 2,323, for such remarks as my experience of the working of Act VI of 1857 may enable me to offer.

2. Since the promulgation of the Act many Government and Inam lands have been taken up in this District, for the anicut channels, and after a careful inquiry, compensation for lost produce, as well as subtitution for Inam lands were determined by the Government Officers.

3. There were but few instances in which resort was had to an arbitration in valuing lands and houses, and in every instance the Proceedings were superintended by a responsible Officer of Government.

Exd. J. Wright.

From Honorable D. ARBUTHNOTT, Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 23rd February 1863, No. 28.

1. I have the honor to reply to the Board's Miscellaneous Circular dated the 4th November last, No. 7,278, relative to Act VI of 1857.

2. I do not think that any change in the enactment is required. The interests of Government are, I am of opinion sufficiently guarded under the Act as it now stands.

3. Section 10 of the Act provides for the appointment of an arbitrator by each party interested unless they all agree to one. The Collector on behalf of Government therefore as an interested party will take care to appoint in each case a person duly qualified and thoroughly to be relied upon, and will not agree to the appointment of a single arbitrator unless he has confidence that he will not permit the interests of Government to suffer. There is moreover nothing to prevent the Collector from appointing a qualified public servant as an arbitrator when there is more than one.

4. Though a large extent of private land was obtained in this District on account of the Madras South West Railway, and on account of the Bangalore branch line there was not a single instance in which it was found necessary to resort to the provisions of the Act. All the land required was obtained by mutual agreement.

Exd. J. Wright.

From C. W. READE, Esq., Collector of South Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cuddalore, 27th April 1863, No. 114.

1. I am in receipt of the Board's reminder calling for a report on the working of Act VI of 1857 required in their Proceedings of the 4th November last, No. 7,278.

2. The Act in question has never come into operation in this District, and therefore I am unable to give any opinion, as requested, in regard to its working.

Exd. J. Wright.

From J. W. B. DYKES, Esq., Collector of Nellore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 28th April 1863, No. 129 :—

1. I have the honor to acknowledge the receipt of the Board's Proceedings No. 7,278 of 1862, and state that in this District there has been no experience gained under the Act.

2. The suggestion of His Excellency seems to me the only way to meet the difficulty.

Exd. J. Wright.

From A. McC. WEBSTER, Esq., Head Assistant Collector in charge of South Canara, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Mangalore, 2nd July 1863,

No. 115.

1. In acknowledging the receipt of the Board's Official Memorandum of the 26th ultimo, I have the honor to state with reference to their Circular, No. 7,278, dated 4th November 1862, that in this District when land has been required for public purposes, recourse has never been had to arbitration.

2. When land has been taken up for public purposes, compensation has been paid with reference to the current price of similar land in the neighbourhood, and no objections have been raised to the amount granted.

Exd. J. Wright.

From G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Calicut, 3rd July 1863, No. 132.

1. I have the honor to acknowledge the Board's Circular* noted in their Official Memoranda† dated 24th April and 26th June last.

* Miscellaneous No. 1,278, dated 4th November 1862.
† Nos. 271 and 448.

2. There have been, I find, very few cases in which recourse to arbitration has been had in this District for obtaining lands required for public purposes. In almost every instance a well qualified official has been deputed to represent Government. The interests of the State have thus I believe been fairly guarded, and in future a similar precaution for this purpose will be duly observed.

Ed. J. Wright.

From G. S. FORBES, Esq., Collector of Ganjam, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chetterpore, 11th June 1863, No. 103.

1. With reference to the Board's Miscellaneous Circular No. 7,278 of the 4th November last, I have the honor to report for their information that I am not aware of any lands having been taken in this District for public purposes under Act VI of 1857.

2. The District Engineer, who was addressed on the subject, reports that he knows only of three instances in which land has been so taken, and that the price paid per acre was in accordance with Mr. Walter Elliot's valuation varying from 50 to 60 for wet cultivation, and from 30 to 40 for dry cultivation according to locality and description of soil.

Ed. J, Wright.

File of replies from the Collrs to the 3rd Circ calling upon them to report on the working of Act VI of 1857.

Revenue Department

No. 1479.

Proceedings of the Board of Revenue under date the 10th July 1862.

Read the following letter from the Board

Submitting with the Board's remarks a file of replies from the Collectors to the Board's Circular, calling upon them to report on the working of Act VI of 1857, with reference to the remarks of the Govt of India on the large sums paid as compensation for lands taken up for public purposes.

Here enter 24th July 1863, No 4,586.

The Governor in Council concurs with the Board that in the Presidency the interests of Govt have been fairly protected in the grant of compensation for lands required for public purposes.

In the cases where a large extent of land was required - as for instance for the Irrigation Company in [illegible] in Tanjore - and the South Western Railway the duty of fixing the compensation has been entrusted to a Covenanted Assistant of the Collector or to an experienced Deputy Collector, and this plan has ensured justice to all concerned and has obviated delay. In other cases, the duty has been performed by Revenue officers acting under the Collector's orders. References to Arbitration have been comparatively rare - the award of the Govt officer having usually been accepted. Arbitration by a single Arbitrator has been resorted to in exceptional

exceptional cases - we care of course take that the individual selected in both instances is independent

Govt appear to be always generally adopted and nothing more requisite than to prescribe as a general rule that where arbitrators are appointed by each party the Govt nominee shall be a well qualified and trustworthy official and that where only a single arbitrator is appointed under Section XI of Act VI of 1857, an officer shall be specially deputed by the Collector to watch over the interests of Government.

The Govt do not consider that the single arbitrator

arbitrator appointed
under section X of the
above act with the con-
concurrence of all in-
terested must consist
of

this prohibition cannot
restricted by section
XI to cases where no
claimants attend, or
where the parties in-
terested refuse or neg-
lect for 15 days to ap-
point an arbitrator-
Practically however pro-
prietors would rarely
entrust their interests
to an arbitrator depend-
ent on the Govt.

J. D. S.

14 Geo. III. C. 83 Rev. Code 511 Aug C
5 — Ind. Reality Chapter
21 — Pro C

Revenue 1863 Dep.tt
Pro: of Govt for Aug.t

No 1179.

Pro: of the Madras Govt.
Dd 10th Aug.t 63.

Rec.d PM Dep.tt Dd
6 April 64 Ans.d 8th

Report of the Bd of
Revenue on the remarks
of the Supreme Govt
regarding the large sums
paid as compensation
for lands taken for public
purposes with orders
thereon -