M.R.O. 14 - 5,459—23-10-25.

# MADRAS RECORD OFFICE.

---

## Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2784 Press ~~Mis.~~

345-347

Dated 13 - 10 - 1866.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department,*
*13th October* 1866.

Read the following papers:—

No. 345. Read the following Proceedings of the Madras Government in the Military Department, dated 13th August 1866.

Read the following letter from the Deputy Quarter Master General, to the Deputy Secretary to Government, Military Department, dated Fort Saint George, 9th August 1866, No. 6,862.

1. I have the honor, by desire of His Excellency the Commander-in-Chief, to submit for the consideration of Government the following question which has arisen at Trichinopoly.

2. The Collector at that station authorized, without reference to the Military authorities, the sale and removal of certain trees growing on a high road in the Cantonment, and which road is in charge of the Executive Engineer.

3. The matter having been referred to Army Head Quarters, His Excellency the Commander-in-Chief expressed his opinion that the felling, lopping, or removal of trees on public roads in a Military Cantonment is the duty of the Conservancy Committee, and the profit arising from it is due to the Local Fund administered by the Committee. Reference was made to G. O. C. C., No. 111, dated 4th September 1865, and G. O. G., No. 352 of 1865, as supporting the view taken.

4. The Collector was then requested by the local Military authorities to pay to the Executive Officer of the Conservancy Department the proceeds of the trees sold and cut, in view to the same being credited to the Conservancy Funds. This he has declined to do, not seeing in the orders quoted anything which authorizes him to pay over the amount applied for.

5. His Excellency does not desire in this particular instance that a refund should be ordered, but he considers it desirable that the view taken by Government of the question generally, should be announced for the information and guidance of the Civil authorities in future cases.

6. The General Orders quoted do not directly deal with the question of selling and cutting down trees in Cantonments, and the disposal of the proceeds, but the practice now everywhere under the new rules is that Conservancy Funds are to have the benefit of Cantonment profits.

---

Referred to the Revenue Department.

(Signed) R. HAMILTON, Colonel,
*Deputy Secretary to Government.*

---

Forwarded to the Board of Revenue for any observations they may wish to offer.

(Signed) J. D. SIM,
*Secretary to Government.*

*17th August* 1866.

---

Received 20th
Entered and returned 21st } August 1866.

(Signed) W. HUDLESTON,
*Secretary.*

No. 346. Proceedings of the Board of Revenue, dated 26th September 1866, No. 6,910.

Read the following letter from the Acting Collector of Trichinopoly, to the Secretary to the Board of Revenue, dated 31st August 1866, No. 172.

1. I have the honor to reply to the Proceedings of Revenue Board, No. 6,015, dated 23rd instant.

2. It appears that in November last, Mr. Harris, the Judge, wrote to the then Collector, calling his attention to the damage which certain avenue trees had done by falling on certain compound walls, and proposed that all the trees that appeared in a dying state, or were entirely useless, might be sold and removed. Upon this the Collector, Mr. McDonell, sent an order to the Tahsildar to inspect the avenue trees, and report how many were required to be removed. Reply was received mentioning seventeen trees. Orders were accordingly issued by the Collector for their sale by auction, and for their immediate removal. Auction was held, and the seventeen trees were purchased by Armoogum Pillai and others. Last May, Captain Hands, Deputy Assistant Quarter Master General, informed me that he had ordered certain people to desist from cutting avenue trees lining the road within the limits of the so-called Cantonment. I thanked him for so doing, not at the time knowing that the late Collector had made the fore-mentioned sales.

3. In June 18th, the Deputy Assistant Quarter Master General requested me to hand over to him the proceeds of the sale made under the orders of the Collector, and cited the Orders marginally mentioned.

*Vide* G. O. C. C., No. 111, dated 4th September 1865, and G. O. G. No. 352 of 1865.

4. I requested him to be kind enough to forward me a copy of the Orders referred to. This was done, and on their perusal, I saw nothing that would warrant my paying him the sale proceeds, and wrote to him accordingly.

5. This is the state of the case. Whilst writing, I might mention that the whole matter turns upon a point to be decided, which hitherto has never been done. Is the so-called Cantonment of Trichinopoly solely under Military jurisdiction? Nearly the whole of the land within the boundary stones is private property. The parade ground opposite the European Barracks is rented by Government. As the Military, on behalf of Government, can have no authority over private property, and as only Government possesses the several lines and barracks of the different Regiments, the Cutcherry, besides one or two other buildings, I am at a loss to understand, how, what is called the Trichinopoly Cantonment can be considered one in the legally accepted sense of the term. The land in a real Cantonment is the property of Government, though private parties have been allowed to build within its limits under certain conditions. Such is not the case in Trichinopoly. Nearly all that Government possesses in the Cantonment has been purchased. In conclusion, I would remark that, when the Trichinopoly District came to our Government, what is now the site of the Military Cantonment was a midan with scrub jungle, the greater portion of which was owned by certain Inámdars, whose title has been enquired into by the Inám Commissioner, and enfranchised. A part of these lands Government have purchased, and still rent spots here and there, as

*Proceedings of the Madras Government, Revenue Department,*
*13th October* 1866.

above-mentioned. It would be a good thing would Government definitely decide the matter of jurisdiction, more especially as "The Town Improvement Act" is to be introduced; and it is impossible that there can be two conflicting authorities, the Military and the Municipal Commissioners.

Submitted to Government, with reference to the endorsement of the Secretary to Government, Revenue Department, dated 17th August 1866, on the letter from the Deputy Quarter Master General, dated 9th idem, and with the Board's opinion that where Cantonment roads are under the care of a Cantonment Committee, under G. O. G., No. 352 of 1865, and maintained from Imperial Funds, the avenue trees besides such roads should be under the care of the same Committee, and the sale proceeds of loppings, &c., be credited to the Funds administered by them.

No. 347. ORDER THEREON, 13th October 1866, No. 2,784.

Miscellaneous.

The Board of Revenue will ascertain and report whether the roads in Trichinopoly, alluded to in their Proceedings, are kept in repair by the Civil or Military Department.

(True Extract.)

(Signed) J. D. SIM,

*Secretary to Government.*

To the Military Department.
,, the Board of Revenue.

Exd. S. T. Augustin.

Rec'd again No 2,660-
No. 2784.

3a

The Board of Revenue will
ascertain & report whether the
Lands in Trichinopoly alluded
to in their Bro: are kept in repair
by the Civil or Military Dept.

13th Oct. 166

Military Dept. Resp. to
Board of Revenue

Ce No 2560

Rev. 1866. Department.
Proc. of Govt for October

No 3460.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 26th September 1866.

Dep. 3 Oct.
Rec. 4th.

Ans. Dft. 7th Nov.
Cl. No 87

No. 6,910.

Submitting with remarks letter from the Acting Collector of Trichinopoly reporting on sale of certain trees on Military Cantonment roads by late Collector Mr McDonell.

A. No 2784-13 Oct.
Worthorder