

MADRAS RECORD OFFICE.

Government of Madras.

Revenue, DEPARTMENT.

G.O. No.	269.	Press ~~Miss~~
<u>7-11</u>		
Dated	1 st February	1967.

Not to be folded or roughly handled

269

*Proceedings of the Madras Government, Revenue Department,
1st February 1869.*

Read the following:—

No. 9. Proceedings of the Board of Revenue, dated 21st January 1869, No. 368.

Read the following letter from the Superintendent of Revenue Survey, to the Acting Secretary to the Board of Revenue, dated Chepauk, 18th January 1869, No. 71-2.

1. I have the honor to submit an original letter from Captain Clay,* the Officer in charge of Madras Demarcation, reporting the probable stoppage of field

demarcation, in consequence of the Contractors having been prohibited to quarry stone, as heretofore, at Sholinghur, and seeking instructions.

2. The two Contractors† are under engagements to supply about 80,000 stones of different dimensions for the completion of demarcation in the Ponair Talook within the next few months. They,

* P. Vencata Row.
† M. Chenglevaraya Naidoo.

I believe, entered into these engagements in good faith, believing they would be allowed to take the stone from the Sholinghur quarries. I feel, therefore, very unwilling to enforce the penalties for non-fulfilment of their contract. Indeed, I doubt, whether it would be possible to do so, as the Penal Clause empowers the Demarcation Officer to purchase stones elsewhere, debiting to the Contractor any excess of cost, and this excess would be enormous.

3. The cost to the ryots for demarcation is already sufficiently burthensome, and I therefore earnestly request that, if possible, the Board will take steps to have the restriction on quarrying at Sholinghur removed. The cost to Government also will be greatly enhanced by the enforced idleness of the Demarcation Department; there would appear, therefore, every reason to keep these quarries open, at any rate to Contractors, for the supply of material for Government purposes.

4. I shall be glad to have early orders from the Board, to enable me to furnish Captain Clay with the instructions he seeks.

From the First Assistant Superintendent of Revenue Survey, in charge of Madras Demarcation, to the Superintendent of Revenue Survey, dated Pulicat, 15th January 1869, No. 35-10.

1. I have the honor to report that my Contractors, for the supply of stones required for the demarcation of the Ponair Talook, informed me that, in consequence of the Collector of the North Arcot District having granted the exclusive right of quarrying in the Wallajabad Talook to certain individuals, named Komarasawmy Moodelly and Narrainsawmy Moodelly, they are unable to complete their contract.

2. The field demarcation of this talook is therefore virtually stopped.

3. The Contractors report that 2,000 Rupees worth of stones are lying ready at the quarries, and that upwards of Rupees 4,000 are out in advances, but that the individuals abovenamed prohibit the removal of any stones, or any further quarrying taking place.

4. I request that you will inform me what course I am to pursue under these unforeseen circumstances.

5. I purpose, for the present, in the hopes that the grant made by the Collector of North Arcot may be speedily annulled, employing the Gumastahs on boundary demarcation, for which work I have stones on hand sufficient to complete the talook.

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6. At present, I have only the Palaveram quarries to draw upon for field stones, and I cannot expect more than 3,000 a month from that source, and the Contractors, in consequence of the large outstanding advances they have already made, are unwilling to incur any further expenditure in opening new quarries, when they are liable to such heavy losses as are entailed upon them in the present instance.

FORWARDED to the Collector of North Arcot for early report, in connection with the Board's Proceedings, dated 19th November 1868, No. 8,195.

No. 10. Proceedings of the Board of Revenue, dated 23rd January 1869.
Read again letter from the Superintendent of Revenue Survey, dated 18th January 1869, No. 712, recorded in Board's Proceedings, dated 21st January 1869, No. 368.

Read also the following letter from the Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Canganellore, 19th January 1869, No. 15.

1. With reference to the Proceedings of the Board of Revenue, dated 19th November last, No. 8,195, and the Order of Government which accompanied it, I have the honor to report that quarrying operations on a large scale are rapidly springing up at all points along the line of Railroad, where granite may be found either above or below surface.

2. These quarries have more particularly been opened within a circle of five miles around Bonovarum (Sholinghur) Railway station. In this neighbourhood, there were some old quarries which have for many years supplied granite slabs and pillars for the construction of temples at Conjevaram and other places; but it was not until the Railway Engineers had made large use of these and of new quarries opened out by themselves, that operations assumed the magnitude and importance which they have now attained. Shortly before leaving the district on leave, in March last, I walked over all the ground, and then found that operations at the quarries had in a great measure ceased, owing to the order adverted to in my former letter.

3. I was quite surprised to observe when passing the neighbourhood a few weeks ago, that operations had, in the interim of my absence, acquired a ten-fold activity.

Around the platform on all sides were deposited enormous quantities of slabs of every dimension ready for exportation by Rail, and scattered over the ground were bands of work people busy splitting off with fire and chisel, blocks of granite at all points where quarries have been opened.

4. This stone is for the most part now being exported by Rail for building and Municipal purposes at Madras itself, and for demarcation requirements in the Madras District. Very large engagements have been entered into for the supply of stone from these quarries, and numerous Contractors, some belonging to the District and others strangers, have, without permission, solicited or obtained, already removed large quantities of this valuable stone.

See Enclosures A and B.

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5. On receipt of the Proceedings noted in the margin, I summoned to Chittoor the parties to the engagements, of which there is a question, and after the closest personal enquiry, ascertained, that their losses by the cancelment of Mr. Wilkinson's Contract would very nearly amount to the sum represented in their petition. Finding that these parties would probably carry out their threat, and institute a civil action, I thought it better to make then and there the best terms I could with them, and accordingly renewed on its original terms the engagement entered into with them by Mr. Wilkinson, on condition that they gave me an acquittance in full of all demands on account of loss alleged to have been sustained, owing to the suspension of their lease.

6. The money consideration was to remain as formerly arranged, and the only alteration in the original terms was, that the currency of the lease was limited to two and a half years instead of three years, as allowed by Mr. Wilkinson.

7. The renewed lease guaranteed to these men a monopoly of certain quarries named in the bonds, then exchanged.

8. The negotiation thus entered into and ratified on my own responsibility as the means of escaping a civil action of doubtful issue, has now aroused a whole host of other Contractors, who had been working away on their own account, and of whom nothing had been heard, until they found their operations interrupted under the monopoly given to the parties to the petition, under the circumstances just mentioned.

9. The matter has thus entered upon fresh complications, and although these new remonstrants have no engagement to fall back on, and were trespassing in the strict sense of the word, on ground which belongs absolutely to Government, and in which they have no manner of right, still, as these quarries have been heretofore free to all, it became necessary that immediate steps should be taken to secure to each, such quantity of stone as he may have cut up to this time, and to stop future operations, until the instructions of Government could be obtained on the general question.

10. With this object, I have issued the instructions conveyed in the letter to my Head Assistant, of which I enclose copy, and await the early orders of Government in respect to the course they may wish me to adopt in adjustment of present claims, and the future management of these quarry fields.

11. Meanwhile, I beg to request, that the Board will be pleased to obtain official recognition of the engagement which I have very reluctantly entered into with petitioners under the circumstances described in the earlier part of this letter. I am in hopes that the Board will, on a re-consideration of the general question, see fit to recommend a more definite course of action in respect of these quarry fields,

than that indicated in the order noted in the margin.

Dated 19th November 1868. No. 8,195.

12. My own opinion is, that the State should exercise its seigniorial rights in respect of these quarry fields. They should be surveyed, and their capability ascertained by some scientific person sent for the purpose. This done, the whole granite-producing area should be divided into convenient parcels which should be farmed out on short leases to the highest bidder. In this manner the evils of too exclusive

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a monopoly would be avoided, and the State would receive its due from a class of property which will probably yearly increase in value.

13. The Board will readily gather from the enclosures, that the question has already reached a stage of difficulty which renders it most desirable that the matters should be authoritatively settled as soon as possible.

From the Collector, to the Head Assistant Collector of North Arcot, dated Canganellore, 19th January 1869, No. 60.

1. In forwarding, herewith, for disposal, the accompanying petitions, presented by P. Venkata Row and others, I have the honor to observe that these Petitioners have been quarrying stone in Government waste situated in the neighbourhood of Bonoveram (Sholinghur) Railway station, without permission, solicited or obtained, and have therefore done so at their own risk. To avoid, however, further complications, I request that you will, in the event of your not being able to visit the spot in person, depute the Tahsildar to hold an *immediate* enquiry for the purpose of determining to whom the different lots of stone now lying ready cut at the Railway platform and the quarries respectively, belong.

2. Although it is, I believe, quite competent to us to interdict the exportation by rail of this stone until the instructions of Government can be obtained, the easier and probably the safer course would be to allow the exportation of all stone cut and ready for despatch at the station or quarry to go forward, provided the several contractors give in a Statement shewing the quantity of stone thus removed, and bind themselves in writing to pay any seignorage which Government might eventually claim.

3. These quarries have now become very valuable public property: and although it may be pleaded that up to this time they have been free to all, still, as it has been perfectly understood, for more than a year past that Government have it in contemplation to farm out the privilege, the argument as applied to the present unauthorized operations would lose much of its force.

4. Having thus provided for the protection of individual interests in the stone already cut, and secured the seignorial right of the State in the event of the Local Government deciding to exercise them.

5. All fresh operations save those guaranteed by the license which I have in a manner been compelled to renew, should, I consider, be stopped until the wishes of Government are ascertained.

ENCLOSURE A.

From the President of the Municipal Commission, Madras to the Collector of North Arcot, dated Madras, 15th January 1869.

1. I have the honor to inform you that Bonoveram Coopautho Moodelly, one of the men who supplies granite stones for Municipal work, states that he is prohibited quarrying in the villages of Bonoveram and Sholinghur, by order of the Tahsildar of Wallajapett.

2. As Municipal work is much delayed from want of stone, I shall be glad if you will issue orders to allow the man to work his quarry.

(True Copy.)

(Signed) J. D. ROBINSON,
Collector.

(True Copy.)

(Signed) A. MACGREGOR,
Acting Secretary.

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ENCLOSURE B.

From R. F. CHISHOLM, Esq., Architect, Madras, to the Collector of North Arcot, dated Madras, 11th January 1869, No. 282.

I have the honor to state that the Contractor's Agent for the new Presidency College works, informs me, that his people have been prevented from quarrying stone at the Sholinghur quarries, near Bonoveram station: I should feel greatly obliged if you will use your influence, and let his men go to work again, as without a supply of stone my work will be stopped.

(True Copy.)

(Signed) J. D. ROBINSON,
Collector.

(True Copy.)

(Signed) A. MACGREGOR,
Acting Secretary.

Proceedings of the Board of Revenue, dated 12th October 1868, No. 7,289.

Read again Proceedings of Board, dated 6th March 1868, No. 1,657.

Read also the following letter from the Acting Head Assistant Collector, to the Acting Collector of North Arcot, dated Ranipett, 14th July 1868, No. 259.

1. With reference to your docket, No. 596, dated 20th ultimo, requesting me to submit the information called for in the Board's Proceedings, No. 1,657, dated 6th March 1868, I have the honor to state that it appears, from inquiries made of the Monigars of Bonoveram, Mangalam, Kootrambakam, and Kottapakam, (villages adjacent to the Sholinghur Railway Station in the limits of which granite slabs are quarried,) that stone to the value of about Rupees 8,600 is annually quarried and exported from these places for the purpose of being used as Demarcation marks, &c.

2. They state that the profits derived from the quarrying and sale of this amount of stones come to about Rupees 1,000.

No. 256.

SUBMITTED for the information of the Board, with reference to their Proceedings of the 6th March last, No. 1,657.

CHITTOOR,
28th July 1868.

(Signed) G. VANSAGNEW,
Acting Collector.

THE Board adhere to their opinion that it is not desirable, for the present at all events, to farm out the privilege of quarrying granite in Government waste lands.

2. The chief demand for saleable stone is created by the requirements of Government and the Railway Companies, and the measures advocated by Mr. Robinson would have the effect of increasing the cost of an article already highly priced, to the loss of Government; the interests of the ryots who have to pay for stone used for the purposes of demarcation would also be injuriously affected.

ORDERED that the foregoing letters be submitted for the orders of Government.

2. The Board's orders cancelling the lease granted by Mr. Wilkinson were positive, and as they were not annulled by Government when the case came before them, the Collector ought to have contented himself with furnishing the information required. By deliberately ratifying the cancelled lease, the Collector has placed the Government in a very embarrassing position.

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3. The Board's objections to leasing these quarries were based on the fact that Government itself is the chief consumer of stone, and consequently, that to lease out the exclusive privilege of quarrying it, would place it at the mercy of the lessee, who, being secure from competition, could exact his own price. The Government would in fact be selling its own stone at a nominal price, to purchase it again at any price demanded.

4. The soundness of the view has already been proved, for it appears that the supplies of stone to the Survey Department, the Government Architect, and the Municipality, have been stopped already, and embarrassing complications will arise between these departments and these Contractors. The small sum Rupees 300 payable by the Contractor, will not compensate for the stoppage of public works for a week, and a rise in the price of stone must of course be anticipated; so that while Government are receiving 300 Rupees with one hand, they will be paying a far larger sum with the other.

5. There can be no doubt that the Board were legally competent to repudiate the unauthorized act of the Head Assistant, and that if the lessees had brought a Suit, the decision must have been adverse to them.

6. Looking at the public interests involved, the Board advise Government to cancel the lease granted by the Collector. They cannot but feel concerned that it should be necessary thus to repudiate the deliberate act of an Officer in the position of a Collector, and who undoubtedly acted *bona-fide*, and, as he believed, in the best way for the interests of the State; but the consequences of upholding it are so serious, as to leave no alternative.

7. It is much to be regretted, that before the Collector took the step he has reported, he did not apply for instructions.

No. 11. ORDER THEREON, 1st February 1869, No. 269.

Miscellaneous.

1. In December 1866 an application was made to the Head Assistant Collector of North Arcot to lease the Stone Quarries in the neighbourhood of Sholinghur, and the Head Assistant, without reference to the Collector, acceded to the request, and granted a lease for one year at a rent of Rupees 100. The renters then represented that the lease would be unprofitable for so short a period, and the Head Assistant extended it to three years, only stipulating that the rent should be increased to Rupees 125 for the second year, and to Rupees 150 for the third year.

2. After the grant of the lease, objections were raised by certain parties, and eventually in 1867 the Board of Revenue, on the matter coming before them, directed the lease to be cancelled, and expressed their dissent from the views of the Collector, as to the general expediency of leasing stone quarries at all.

3. The lessees of the quarries then addressed Government on the subject, and the case was disposed of in the G. O., under date 27th October 1868, No. —, in

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which the conduct of the Head Assistant in granting the lease, without the Collector's previous sanction, was censured, and the Collector was directed to ascertain, whether any and what loss had been actually incurred by the lessees in consequence of the cancelment of the lease.

4. This Order was communicated to the Acting Collector by the Board of Revenue. The Collector, Mr. J. D. Robinson, who has since returned from England, now reports that, acting on his own responsibility, he has himself again given the lease of the quarries to the late lessees, as being the easiest mode of settling the difficulty, and apparently also, because he is still of opinion that it is expedient on general grounds to raise a revenue from stone quarries.

5. Since the date of the Board's Order cancelling the original lease, the quarries in question have been open to the public and the Government Contractors for the Survey Department and for the stones for the new University, as well as the Railway Contractors have been in the habit of using them. In consequence, however, of the recent renewal of the lease by Mr. Robinson, the two former departments are now deprived of their supply of stone.

6. Though the Governor in Council quite concurs with the Board of Revenue in believing that Mr. Robinson has acted *bona-fide* in this matter, and, as he believed, in the best way for the interests of the State, they cannot but consider that he has been guilty of a very grave and serious indiscretion in thus setting aside the deliberate orders of the Board. The only course now open to the Government for adoption, is to accept the recommendation of the Board in paragraph 6 of their Proceedings, and to direct that the lease imprudently revived by Mr. Robinson, be forthwith cancelled, and that the lessees be informed by the Collector that in granting them the new lease, Mr. Robinson acted not only without authority, but in direct contravention of the orders which he had received.

7. The Board of Revenue will also be good enough to require the Collector to submit detailed information of the nature already called for, as to the loss which the parties have actually suffered owing to the withdrawal of the original lease.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

Pro. 31 Aug. 1868 No. 257
 - 27 October - Feb. 257

Revenue Oct. 5x
 No. 250.

Proceedings of the
 Board of Revenue

Dated 28
 Decr 28 } January
 Recd 29th } 1869
 Encl. 4

No.

Oct. 269 - Feb. 189
 No. 10.

Leave - granted by Col. of
 North Arch. for purpose
 of quarrying stone, - Canal.
 - ment of, recommended to
 Govt.

c 30 June 69 22 Feb 69

Govt. of 1869 21 Jan.

REVENUE.

THE BOARD OF REVENUE.

Dated February, 1st.

Recd.

Encl.

G. O., 1st February 1869, No. 269.

FEBRUARY.

Feb. 9-11.

Stone Quarries in North Arcot District.
 Raising orders with reference to the cancellation of
 the lease.

From Mr. J. P. B. B.
 To Mr. J. P. B. B. 3979.

Revenue Department

W-269

Proceedings of the Madras Government
Under date the 1st Decr/69

Read the following
Pro: of the Bd. of Revl.

Recommending to Govt
cancellation of lease granted
by Collr of N. Arcot for pur-
pose of quarrying stone.

(H. Co. 28th January 1869)

In December

1866 an application
was made to the Madras
Assistant Collector of
North Arcot to lease
the stone Quarries in the
neighbourhood of the
Mishra, and the Madras
Assistant without refer-
ence to the Collector, ac-
cided to the request and
granted a lease for one
year at a rent of Rs. 100.
The collector then represent-
ed that the lease would
be unprofitable for so
short a period and the
Madras Assistant rectified
it to three years only sta-
tuting that the rent should
be

work

RA

be increased to \$125 for
the second year and to
\$150 for the third year.

After the grant of
the lease objections were
raised by certain parties
and eventually in 1864
the Board of Revenue on
the matter coming before
them, directed the lease
to be cancelled, and ex-
pressed their dissent
from the views of the
Collector, as to the gen-
eral expediency of
leasing stone quarries
at all.

The lessee of the
quarries then address-
ed his report on the sub-
ject, and the case was
disposed of in the
S.D. under date 27th
October, 1864, in which
the

has since returned
from England,

the conduct of the Head Assistant
in granting the lease without
the Collector's previous sanc-
tion was censured, and the
Collector was directed to
ascertain ^{whether any and} what loss had
been actually incurred by
the Lessee in consequence
of the cancellation of the
lease.

This order was
communicated to the Collector

by the Board of Revenue
(the late Mr. J. D. Robinson, who
now reports that,

acting on his own respon-
sibility, he has ^{himself} given
the lease of the
quarries to the late Lessee
as being the easiest mode
of settling the difficulty
and apparently also, be-
cause he is still of opinion
that it is expedient to raise

a revenue from stone quarries.

Since the date of the Board's order cancelling the original lease, the quarries in question have been open to the public and the Government Contractors for the Survey Department and for the Stones for the new University, as well as the Railway Contractors, have been in the habit of using them. In consequence, however, of the recent renewal of the lease by Mr. Robinson, the two former Departments are now deprived of their supply of stone.—

Though the
Governor in Council
quite concurs with
the

the Board of Revenue
in believing that Mr. Robinson
has acted bona fide in
this matter and, as he be-
lieved, in the best way
for the interests of the
State; they cannot but
consider however that he
has been guilty of a very
grave and serious indiscre-
tion in thus setting aside
the deliberate order of

I have the honor to think that the order of Feb. 1 are sufficient to justify the Board in supposing that the R. has directed a Feb. order. The Board has been ^{thoroughly} ~~thoroughly~~ covered by Mr. Robertson, and the Board in para 6 of their Proceedings, and to direct that the lease be forthwith cancelled.

cancelled, and that the
Leases be informed by
the Collector that in grant-
ing them the new lease,
^{Mr. Robinson}
acted not only without
authority but in direct
^{contumacious}
defiance of the orders which
he has received.

The Board of Revs.
will also be good enough
to require the Collector to
submit detailed information
of the nature, already
called for, as to the loss which
the parties have ^{actually} suffered owing
to the withdrawal of the ori-

ginal lease, as the Govt.
are prepared to consider their
claims on this account.

7/15

estimated
+ for 1/2 million
at present value

Better value than
presently - 100%

Mr. C. J. Little Secy. of Quar. Dept. 10th Feb, 1868

2/5

Hand in Hand

Justified

Despatched in
And stamp and
mark immediate
in order