Proceedings of the Madras Government, Revenue Department,
14th March 1871.

No. 174. Read the following Proceedings of the Board of Revenue, dated 1st March 1871, No. 904:—

Read again Board's Proceedings, 7th July 1870, No. 4,727.
„ „ „ 1st Oct. „ „ 5,939.

Read Government endorsement on Petition from Messrs. J. T. Fowler, J. Bradshaw, and J. Cramp, No. 2,573 (Board No. 103) of 1870, dated 12th December 1870.

Read also the following letter from W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 22nd November 1870, No. 501.

WITH reference to the Board's Proceedings, dated the 1st October last, No. 5,939, I have the honour to state, that in accordance with the instructions therein contained, I offered the price proposed in my letter of the 29th July last, No. 305, to the several gentlemen concerned, but that all of them, with the exception of Mr. Church, declined to accept the offer. It therefore becomes necessary to proceed under Act X. of 1870.

2. I enclose two plans showing the extent and boundary of the lands belonging to Messrs. Fowler, Bradshaw, Cramp, and Bartlett, and beg that the Board will move the Government to issue the usual declaration under Section 6 of the Act, and to authorize me to take order for the acquisition of the land.

SPECIFICATION.

I. *Property in the enjoyment of Messrs. Bradshaw, Fowler, and Cramp.*—Extent, [illegible] and square feet 55. Boundary north, Government waste, Tharamunyan [illegible], Samudaya Thorany Pullam, and water-spread of Polal tank and Surapat Tangal; east, Tharamunyan's puttah land and Surapat Tangal bund; south, Messrs. Bradshaw, Fowler, and Cramp's land; and west, Mr. Bartlett's land.

II. *Property of Mr. Bartlett.*—Extent, acres 136½, square-yards 417, and square-feet 75. Boundary, north, water-spread of Polal tank; east, Messrs. Bradshaw, Fowler, and Cramp's land; south, Mr. Bartlett's land and Puthur road; and west, water-spread of Polal tank.

ENCLOSURES Nos. 1 and 2.—Plans.

THESE papers refer to compensation for three pieces of land required for the Red Hills Water Works.

2. On the 5th May 1870 the Collector of Chingleput wrote to Government direct, and requested that he might be authorized to take possession of the land under Act VI. of 1857. Government directed him to offer reasonable compensation in communication with the Board of Revenue, and report the result.

3. Mr. Blair then addressed the Board, stating that, in anticipation of the sanction of Government, he had requested Mr. O'Brien to act as an Arbitrator on their behalf, and that he still wished to take his advice, paying him a fee of Rs. 70. The Board did not approve of this proposal, and directed Mr. Blair to value the land himself. Finally, in their Proceedings of the 1st October 1870, No. 5,939, the Board authorized the Collector to offer certain terms of compensation to the owners of the land, and directed him to proceed under Act X. of 1870, if the offers were refused. He now reports that one has accepted, and that the other two have refused the offers made to them, and submits a notification to be issued by Government under Section 6, Act X. of 1870.

4. The following statement shows the extent and successive valuations of the lands :—

—	Extent in cawnies.	Compensation demanded at first by the	Valuation by the Tahsildar.	Offered by the Board.	Now demanded.
		RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Mr. Church	18 2 0	3,767 8 0	1,305 0 0	2,770 0 0*	2,770 0 0*
Messrs. Fowler, Bradshaw, and Cramp.	62 5 0	12,462 8 0	2,428 0 0	2,470 0 0†	6,231 0 0
Mr. Bartlett	71 12 12	20,000 0 0	1,943 0 0	1,720 0 0	.....

* Accepted by Mr. Church.
† Mr. Blair appears to have offered Rs. 2,794-4-6.

5. Messrs. Fowler, Bradshaw, and Cramp, have petitioned Government. They state that their land was actually entered upon by the Engineers in March 1868, and that they demanded compensation [illegible] in the same month, that their land has since been neglected, and cannot be fairly valued now; that Mr. Blair told them they must submit to arbitration, and asked them to appoint an Arbitrator to act with Mr. O'Brien on the 5th May 1870 (the date of his letter to Government); that they agreed to this, and named Mr. Maxwell as their Arbitrator on the 17th May; that Mr. Blair, ignoring his previous letter about arbitration, offered them Rs. 2,794-4-6 on the 10th October, and that they cannot consent to take less than Rs. 100 a cawny.

6. The Board believe that Mr. Blair's valuation was a fair one, and it took into account the fact that the land had been neglected in consequence of the water-works since 1868. They are also of opinion that, even if the land was entered upon in March 1868, it might legally be dealt with now under Act X. of 1870.

7. Nevertheless, taking all the circumstances of the case into consideration, the length of time during which the compensation has remained unsettled, and the Collector's distinct offer of arbitration, they are of opinion that it will be best either to pay the amount claimed or to recur to arbitration; and they propose with the consent of Government to ask the Collector which he would advise.

8. The Collector will ascertain what Mr. Bartlett now asks for his land. Messrs. Fowler, Bradshaw, and Cramp, have diminished their first demand by one-half.

Proceedings of the Madras Government, Revenue Department,
14th March 1871.

No. 175. ORDER THEREON, 14th March 1871, No. 444.

Miscellaneous.

THE Government approve the Board's proposal to make a further reference to the Collector.

(True Extract.)
(Signed) W. HU[illegible]
...overnment.

To the Board of Revenue.

Rxd. F. R. Bantleman.

No. 4,727.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th July 1870.

Read the following letter from W. T. BLAIR, Esq., Acting Collector of Madras, to the Acting Secretary to the Board of Revenue, dated Sydapet, 1st June 1870, No. 192:—

WITH reference to the Proceedings of Government, dated the 27th ultimo, No. 775, I have the honour to exhibit below the amount demanded by the several owners of the land therein referred to, and the valuation placed upon the land by the Tahsildar of the talook.

	Extent.	Amount of price demanded.			Valuation of property as fixed by the Tahsildar.		
		RS.	A.	P.	RS.	A.	P.
Mr. F. Church	18 2 0	3,767	8	0	1,304	14	7
Messrs. Fowler, Bradshaw, and Cramp	62 5 0	12,462	8	0	2,427	10	0
Mr. Bartlett	71 1 12	20,000	0	0	1,948	3	11
Total ...	... ...	36,230	0	0	5,680	12	6

2. Considering the very great disparity between the price demanded by the owners and the valuation of the Tahsildar, it appeared to me that the most satisfactory mode of settling the amount of compensation in each case was by having recourse to arbitration, and with this view I applied to Government for the usual declaration that the land was required for public purposes, and not anticipating any objection on the part of Government to the course proposed by me, I requested Mr. C. L. O'Brien to act as Arbitrator on behalf of the Government. As, however, I am now in the order above quoted desired by Government to offer, in communication with the Board of Revenue, reasonable compensation to the owners of the land and to report the result, I beg to submit to the Board that the case of these lands is peculiar, and that it is impossible for me to arrive at a proper valuation of the property without taking the advice of some one practically acquainted with planting operations. I propose therefore taking advice from Mr. O'Brien, a gentleman who holds a plantation to the south of Madras, and who is well acquainted with such matters; but as it is not to be expected that Mr. O'Brien will give his advice gratis, I request the permission of the Board to offer him the same rate of remuneration in each case, viz., Rupees 70, as he would have received if he had acted as Government Arbitrator.

THE Board do not approve of the Collector's proposal. Mr. O'Brien is not a land valuer, and the decision of an arbitrator might be embarrassing.

2. Mr. Blair must inspect the properties himself and report on their condition. The prices paid for land in the neighbourhood should be given and the extent to which the value of the properties has been increased by the operations of the owners should be estimated. Mr. Blair will find information which may aid him in his inquiries in the papers recorded with Government Order, 16th December 1867, No. 2,997.

(A true Copy and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Acting Collector of Chingleput.

Exd. T. Cartledge.

Enclosure in Mr. Pr.'s Ltr. to the Secy. to Govt. P.D. dated 13th Dec. 1870.

Board of Revenue,

MADRAS.

PROCEEDINGS, 7TH JULY 1870, No. 4,727.

Enc.

Received 11 Dec. 1870.

JULY.

No. 4,727.

Lands—belonging to certain private parties and required for Madras Water Works Project, —Collector requested to inspect, himself, and report on their condition, and informed that prices given for land in neighbourhood, should be stated, and extent to which value of properties has been increased by operations of owners, should be estimated.

No. 5,939.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st October 1870.

Read the following letter from W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 29th July 1870, No. 305:—

I HAVE the honour to state that, as directed in the Proceedings of the Board, dated 7th July 1870, No. 4,727, I have inspected the properties at the Red Hills belonging to Messrs. Church and other gentlemen.

2. The lands are all situated in the villages of Sooraputt and Kallicoopum. I cannot ascertain that any sales of lands in these villages in execution of decrees of Civil Courts, have taken place. On 7th November 1867, a revenue sale of dry land was held in Sooraputt, when the land fetched Rupees 14-10-8, per cawny. No other sales of land for arrears of revenue have occurred in either of the villages in question.

3. The rates at which lands have been sold privately in some of the adjoining villages, are shown in the following Statement:—

Oracadam, a Shrotriem village, wet, Rupees 80, per cawny.
Corratoor, a Government village, wet, at rates varying from Rupees 20 to Rupees 80, per cawny.
Pothoor, dry, Rupees 45, per cawny.
Do. wet, Rupees 19 and 33, per cawny.
Catheravadoo, dry, Rupees 16, per cawny.
Pozhel, wet, Rupees 21 to 121, per cawny.

4. Some lands have been taken up for the bund of the Red Hill tank, in the villages of Pozhel and Tandalakayani, and the owners were compensated at the rate of Rupees 110 per cawny, for wet, and Rupees 35 for dry land. These lands, however, were of 1st Class quality, the wet lands yielding three crops a year. In the village of Pozhel, Mr. Ritchie was paid Rupees 25 a cawny for some dry land which formed part of his garden. This land of Mr. Ritchie's was in its unimproved state, very similar in quality to the bulk of the land forming the subject of this letter.

5. With these preliminary remarks, I proceed to report upon each claim separately, and value it in accordance with the provisions of Act X. of 1870.

6. *Claim of Messrs. Fowler, Bradshaw, and Cramp.*—The extent of land in the names of these gentlemen held on puttah is Cawnies 21-8-8 of wet land, the assessment on which is Rupees 74-8-10. This land was purchased from one Thanicachala Moodelly, a Mirassidar. They are also in possession of Cawnies 40-12-8 of dry land, assessed at Rupees 84-12-5, held under the Tope Rules. This land also is said to have been purchased from Thanicachala Moodelly, but he states that the purchase money has not been paid to him. He has consequently retained the puttah in his own name. He claims any compensation that may be awarded for these lands, but says that he has no claim on account of the trees. Messrs. Fowler, Bradshaw and Cramp being in possession of the lands, I consider that the compensation must be paid to them, and that the dispute between them and Thanicachala Moodelly as to the alleged non-payment of the purchase money, must be settled by a Civil Court.

The lands were entered on by the Executive Engineer in March 1868. In a letter to the Collector, dated 23rd March 1868, these gentlemen stated that up to that date they had expended on their lands Rupees 7,465-14-1, which amount would have been considerably larger by that time, had they not given over planting as soon as they became aware that a large part of their land was to be taken by Government. For this outlay they stated that they had dug 2 tanks,

built 2 huts, and planted 1,200 fruit trees, 5,000 Casuarinas, 1,50,000 Velam and Korakapillay trees, and fences of Korakapillay all round. Finally they stated that they valued their land at Rupees 200 per cawny. The total amount claimed by them is therefore Rupees 12,462-8-0.

The whole of these lands were immemorial waste before they were taken up by these gentlemen. The soil is gravelly, of very poor quality, and if cultivated, would only produce scanty crops of dry grains, such as Cumboo, Varagu, etc. Had the land been good, it would long since have been brought under cultivation. I estimate the market value of the lands at the present time at Rupees 10 a cawny for the dry, and Rupees 12 for the wet land.

The number of trees standing on the land in July and August last was 871, and their value, together with the cost of rearing them up to that time, may be taken, as fixed by the Tahsildar, at Rupees 654. These trees are all situated in about Cawnies 12 of the dry land. On the remainder of dry land and on the wet land, there are at present no trees. There are, however, shallow pits, in which the villagers say that seeds were sown, but that they all perished. There is a trace of a hedge only on the southern side of the lands.

There is no hut on the lands, but there is a pond, on which the Superintendent stated that Rupees 150 had been expended. It is an old pond which has been repaired, and judging from the quantity of earth thrown up about it, I do not think that more than Rupees 30 can have been laid out on its restoration. Considering that the trees were not counted till upwards of a year after the land had been entered upon by Government, and that in the interim some trees have probably perished, I think that Rupees 15 a cawny may be allowed on account of the labour expended on those lands on which no trees are now standing.

My valuation of this claim is as follows:—

	RS.	A.	P.
Cawnies 21-8-8 of wet land at Rupees 12 per cawny	258	6	0
Cawnies 40-12-8 of dry land at Rupees 10 per cawny	407	13	0
Value of trees	654	8	0
Allowance on account of labour on Cawnies 50 on which no trees are now standing at Rupees 15 per cawny	750	0	0
Amount expended on pond	30	0	0
	2,100	11	0
Add 15 per cent. in consideration of the compulsory nature of the acquisition	315	1	8
	2,415	12	8
Add interest at 6 per cent. since March 1868	350	4	7
Total...	2,766	1	3

7. *Mr. Bartlett's claim.*—This gentleman has a puttah for Cawnies 4¾ of wet land, assessed at Rupees 16-10-0, and he also holds Cawnies 62-1-2 of dry land and Cawnies 4-15-10 of wet land under the Tope Rules. He values his land at Rupees 250 per cawny and claims in all Rupees 20,000 as compensation, of which he states 2,000 have been expended on the repair of a tank.

The wet land has been cultivated with paddy and may be valued at Rupees 35 a cawny. It is Manavari land. The tank is situated in Government Porumboke land and is not included in Mr. Bartlett's puttah or Cowle. He had no permission to improve the tank and has no claim to compensation for any money he may have expended on this account. There are on the land 857 trees of different sorts, the cost and value of which may be taken at Rupees 56. The extent of land covered by these trees is about Cawnies 3. In one cawny of the land, plantains seem to have been planted, but they have now all disappeared. The whole of the lands, with the exception of the Cawnies 4¾ of wet land, are of pieces of similar quality to those held by Messrs. Fowler, Bradshaw, and Cramp, and the amount of labour expended on the land on which there are now no trees, is the same. As in this case the value of the trees is very small, I think that the fairest mode of valuation will be to exclude the trees from consideration altogether and to allow at the rate of Rupees 15 a cawny on account of labour on the whole of the land, with the exception of the 4¾ cawnies of wet land which have been cultivated with paddy. There are the remains of a hut on the land, on which account, Rupees 20 may be allowed.

The following is my valuation of this claim:—

	RS.	A.	P.
Cawnies 4¾ of wet land at Rupees 35 per cawny	166	4	0
Do. 4-15-10 of wet land at Rupees 12 do.	59	11	6
Do. 62-1-2 of dry land at Rupees 10 do.	620	11	3
Allowance on account of labour on Cawnies 67-0-12, at Rupees 12 per cawny	1,005	11	3
Value of hut	20	0	0
	1,872	6	0
Add 15 per cent. in consideration of the compulsory nature of the acquisition	280	13	8
	2,153	3	8
Add interest at 6 per cent. since March 1868	312	3	5
	2,465	7	1

8. *Mr. Church's claim.*—The amount of this gentleman's land to be taken up, was by oversight erroneously entered in my letter of the 1st ultimo, No. 192, as Cawnies 18-2-0. The correct extent is Cawnies 17-2-0 of dry land. Of this, Cawnies 14-7-14 are held on Tope Rule terms, and the remainder Cawnies 2-10-2 on full assessment. The land is valued by Mr. Church at Rupees 165 an acre, and the amount of compensation claimed by him is Rupees 3,767-8-0. The Tahsildar's valuation of this claim may be adopted as it stands, except that I would allow at the rate of Rupees 35 a cawny for the land taken up for the delivery channel. As there is a bridge over the delivery channel, the crossing of which only involves a slight detour, I see no necessity for allowing Mr. Church anything by way of compensation on account of the severance of a part of his land from the remainder by the delivery channel. The valuation of this claim will stand thus:—

	RS.	A.	P.
Cawnies 2-10-2 of dry land at Rupees 35 per cawny	92	2	4
Do. 14-7-14 of dry land at Rupees 25 per cawny	362	4	10
Value of trees and cost of rearing the same	851	12	6
	1,306	3	8
Add 15 per cent. in consideration of the compulsory nature of the acquisition	195	14	11
	1,502	2	7
Add interest at 6 per cent. since March 1868	217	13	0
	1,719	15	7

9. I enclose, for the information of the Board, two Statements, showing the valuation of the several properties by the Tahsildar and the Village Officers, and also four letters from the parties concerned, setting forth their claims to compensation. These letters being originals, I request that they may be returned to this Office when no longer required.

ENCLOSURES Nos. 1 and 2.—Statements for compensation.

ENCLOSURES Nos. 3 and 4.—Letters from Messrs. J. T. Fowler, J. Bradshaw, and J. Cramp, dated 23rd March 1868, and 14th May 1870.

ENCLOSURE No. 5.—Letter from F. Church, Esq., dated 16th February 1870.

ENCLOSURE No. 6.—Letter from W. Bartlett, Esq., dated 4th May 1870.

THE Board resolve to accept Mr. Blair's valuation of the properties referred to in this letter, and to authorize him to make the following offers of compensation:—

	RS.
Messrs. Fowler, Bradshaw, and Cramp	2,770
Mr. Bartlett	2,470
Mr. Church	1,720

2. If these offers are not accepted, the Collector will proceed in strict accordance with Act X. of 1870.

(A true Copy and Extract.)

(Signed) J. GROSE,
Acting Secretary.

To the Acting Collector of Chingleput,
with four enclosures returned.

Exd G. A. Turton.

Lr to Collr Chingleput
& 2 Enclosures Dpe

1870 Nov 5
Proceedings of the Board of Revenue
Dated 1st October 1870.
No. 5939.

To Collr Chingleput.
Dupe & Encs &c.
No. 5939.
Rect 14 Nov.
Ans 14 Nov.

Ltr 1744/175

Ltr No 2543/70.

To

THE RIGHT HONORABLE

THE GOVERNOR IN COUNCIL,

FORT ST. GEORGE.

The humble petition of JOHN TOWNSHEND FOWLER, JAMES BRADSHAW *and* JOHN CRAMP.

HUMBLY SHEWETH,

1. That your Petitioners are the owners of certain lands at the Red Hills. That, early in 1868, work was begun on a certain part of this land, in connexion with the Water project, none of the proceedings required by the Act then in force, having been observed. That your Petitioners, considering that, as the land was taken by a Government officer, fair compensation for it would be made, raised no objection to the irregular proceedings. Receiving, however, no communication on the subject, your Petitioners addressed the Collector on the 23rd March 1868, setting forth, plainly and truly, their expenditure, the value of their own labour, and their idea of the value to them of the land.*

2. That no reply to this letter was received by your Petitioners TILL THE 5TH FEBRUARY 1870, when the Collector requested them to state "What price they demanded for their lands;"—information which they had nearly two years before afforded, and to which they referred the Collector in a letter dated the 21st February 1870.

3. That, the Collector informed your petitioners on the 5th May 1870 that "he had resolved upon referring their claim for settlement to arbitration," and desired them to name their arbitrator. They represented their objection to such a course, but, named an abitrator on the 17th May 1870.

4. That, instead of at once proceeding with the arbitration, the Collector took no step *for five months*, and then, on the 10th October, under the authority of the Board of Revenue, tendered to your petitioners Rs. 2,794-4-6 or Rs. 46 (forty-six) per cawnie, entirely ignoring the demand previously insisted upon for arbitration, with which your petitioners had reluctantly complied; and, in the event of your petitioners declining the offer, threatening to put in force the provisions of Act X of 1870. A threat that could not be carried out, since the land was taken possession of when another Act was in force, the provisions of which, moreover, were not observed. The threat, your petitioners submit, with deference, has much of the appearance of an attempt to force them to accept inadequate compensation.

5. That the Collector made an offer to the Messrs Church of compensation at the rate of Rupees 100 (one hundred) per cawnie for their land. A rate they consider very inadequate, notwithstanding that they have accepted it.

The plantation of the Messrs Church adjoins that of your petitioners, the conditions under which both were worked were the same, and, cawnie for cawnie, your petitioners can prove their expenditure to have been equal to that of the Messrs Church. There was, however, one point of difference between the two properties, viz., the assessment imposed by the Revenue authorities. In the case of the Messrs Church, nearly the whole of the land taken is held under Tope Rules; while about 21 (twenty-one) cawnies of your petitioners' property is con-

* In order that your Excellency in Council may have the whole facts of the case available, your petitioners beg to annex the correspondence, which they here summarise.

sidered good enough to bear an assessment of about Rupees 80 (actually Rupees 82-4-0 the first year it was paid) or Rupees 4 a cawnie. The inference to be drawn—that your petitioners' land is worth considerably more than the other—is so palpable as hardly to need stating. It is true that the Messrs. Church have, now, more trees to shew than your Petitioners; but their reply to this is that the delay of 2½ years has caused it to be so. Had an estimate been made of the value of the land in March 1868, when possession was taken, and when your petitioners, at a cost of Rupees 7,465-14-1 (including Interest, Carriage hire and Superintendence) had dug two Tanks, built two Huts, and planted 1,200 Fruit Trees (Tamarind, Jack, Orange, Mango, &c.,) 5,000 Casuarinas, and 1,50,000 Velan and Korakapillay, together with Fences of Korakapillay all around—*then* a fair valuation could have been arrived at, while none based on the present or the recent aspect of the land can be fair.

6. That the rate offered to the Messrs. Church was fixed by the Collector may be taken as sufficient evidence that it is not too high in their case. Your Petitioners venture to think that the facts stated in the preceding para are sufficient to show that it can neither be too high in theirs.

7. This humble petition further sheweth,—That, as a basis for comparison, your Petitioners would refer to the eighty cawnies of land at Mahtoor near the Red Hills (held in one name only). This land was taken up after that at the Red Hills, was in no better condition, and is all held under the tope rules. This has received regular attention, while the Red Hill land has been entirely neglected. The present value of this land is what that of the Red Hill land might have been had it received the same attention. Your Petitioners would therefore humbly submit that the correct way of estimating the value of their Red Hill land, is to value the land at Mahtoor *as it now stands*; and they would willingly abide by any decision so arrived at, by one arbitrator appointed by Government and another by themselves, as to the actual "Market value" of that land.

8. That your Petitioners, while considering themselves fairly entitled to the rate of remuneration asked for in their original letter, offered, on the 7th instant, to accept the rate given to the Messrs. Church. Their offer having been declined, your Petitioners have no resource but to crave the attention of your Excellency in Council to the facts set forth here, and more in detail in the annexed correspondence, and to pray that an enquiry may be made as to the accuracy of the figures and statements submitted, with a view to the compensation awarded being made fair and equitable, either on the basis suggested in para 7, or any other commending itself to Your Excellency.

9. This humble petition further sheweth,—That the liberal orders issued under the authority of Your Lordship in Council, on the subject of waste lands, have largely encouraged your Petitioners to persevere in their planting, and the example set has not been without its effect, in the neighbourhood of their plantations, in inducing native cultivators to take up and turn to useful account lands long lying waste. A large number of cawnies have been taken up near the village of Mahtoor, from your Petitioners' example, and land *in that locality* is now worth more than treble what it was before the experiment of your Petitioners with the Mahtoor land.

These facts your Petitioners venture humbly to submit should secure for them and other pioneers some consideration; while the arbitrary action taken by the Collector of Madras, in the matter of your Petitioners' claim for compensation, is not calculated to inspire confidence or to lead to an extension of such enterprise.

10. That your Petitioners, having entered largely into the cultivation of waste land, and sunk much money thereon, are deeply concerned in this matter, and feel it would be a great hardship if an Officer of Government should be able to resume possession of such lands without giving adequate compensation.

11. That, in the present case, your Petitioners think they have been very hardly treated, both in the manner in which their claim has been dealt with, and in the offer of compensation made to them.

That, as regards the manner in which the claim has been dealt with, your petitioners would pray attention to the following points shewn in the correspondence :—

(*a*) The delay that has occurred in the settlement,—Your Petitioners were deprived of their property in March 1868 and feel it a heavy punishment in itself not yet to have received the value of it.

(*b*) The breach of engagement in the matter of arbitration. The Collector decided on this method of settling the claim (letter No. 171 dated 5th May 1870). Your Petitioners did not think this course necessary, but acquiesced in the Collector's decision, and appointed an arbitrator.

(*c*) As already pointed out, the Collector threatens your Petitioners with the provisions of Act X of 1870, (which came into force more than two years after possession had been taken; and one month after arbitration had been agreed on under the former Act) apparently to induce them to take an inadequate compensation. Your petitioners are aware that the basis of compensation according to the above Act is the "Market value" of the land. This would be fair for lands valued at the time they were taken over; or in the way mentioned in para. 7 of this humble petition. But it is not fair to take the present market value of a young plantation, that has been in the Collector's possession over two and a half years, and allowed to go to ruin.

12. That your Petitioners approach your Excellency in Council in the full confidence that they will receive that just and equitable treatment which they cannot but feel has hitherto been denied to them.

And your Petitioners, as in duty bound, will ever pray, &c.

JOHN TOWNSHEND FOWLER,
JAMES BRADSHAW *by his Attorney*
PHILIP SMITH,
JOHN CRAMP.

MADRAS,
30th November, 1870.

10

that the Collector sent a reply to them on the 6th February 1870 requesting them to state the price they demand for their lands that they referred him to their former letter of the 23rd March 1868; that on the 5th May last the Collector informed them that he had resolved to refer their claim to arbitration, to which they objected but named an arbitrator on the 7th May last; that the Collector on 5th Octr

Inc No 174

No 300 25 Feb 1870

From Messrs Town Shand Fowler James Bradshaw & Thomas Barnes of Madras

Date 30th Novr Recd 3 Dec 1870 & Encls

Represent that they are the owners of certain lands in the Red Hills; that work was begun on a part of their land in connection with the water project; that they addressed the Collector on the 23rd March 1868 claiming compensation

Ltr 60-75

Madras, 30th Novr 1870.

2573
9 Encls
3/12/70
Qrs

From

Messrs John Townshend Fowler,
James Bradshaw & John Cranfield

To

The Honorable R. S. Ellis. C. B.
Chief Secretary to the
Government of Fort St George

Sir,

We have the honor to request that you will do us the favor of laying the accompanying petition and correspondence before His Excellency the Governor in Council.

We are, Sir,
Your most obedient
servants
(Sd) John Townshend Fowler
James Bradshaw
by their attorney
Plenty Cranfield
(Sd) John Cranfield

Referred to the Hon'ble
Lieut. Gov. Earle Elphinstone.
by Hudleston.
Sec to Govt.
12 Dec. 1870.

last tendered by them Rs 2,774-4-6 under the authority of the Board entirely ignoring their demand for arbitration, & in the event of their declining the offer threatening to put in force the provisions of Act 8 of 1870.

Adducing various arguments in support of their claim for a higher price & submitting herewith the correspondence, pray for a just & equitable treatment

No. 904.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 1st March 1871.

Read again Board's Proceedings, 7th July 1870, No. 4,727.
Do. do. do. 1st October ,, ,, 5,939.

Read Government Endorsement on Petition from Messrs. J. T. Fowler, J. Bradshaw, and J. Cramp, No. 2,573 (Board No. 103) of 1870, dated 12th December 1870.

Read also the following letter from W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 22nd November 1870, No. 501:—

WITH reference to the Board's Proceedings, dated the 1st October last, No. 5,939, I have the honour to state that, in accordance with the instructions therein contained, I offered the price proposed in my letter of the 29th July last, No. 305, to the several gentlemen concerned, but that all of them, with the exception of Mr. Church, declined to accept the offer. It, therefore, becomes necessary to proceed under Act X. of 1870.

2. I enclose two plans showing the extent and boundary of the lands belonging to Messrs. Fowler, Bradshaw, Cramp, and Bartlett, and beg that the Board will move the Government to issue the usual declaration under Section 6 of the Act, and to authorize me to take order for the acquisition of the land.

SPECIFICATION.

I. *Property in the enjoyment of Messrs. Bradshaw, Fowler, and Cramp.*—Extent, acres 87, square yards 886, and square feet 55. Boundary, north, Government waste, Tharamunyan's puttah land, Samudaya Thorany Pullam, and water-spread of Polal tank and Surapat Tangal; east, Tharamunyan's puttah land and Surapat Tangal bund; south, Messrs. Bradshaw, Fowler, and Cramp's land; and west, Mr. Bartlett's land.

II. *Property of Mr. Bartlett.*—Extent, acres 136¼, square yards 417, and square feet 75. Boundary, north, water-spread of Polal tank; east, Messrs. Bradshaw, Fowler, and Cramp's land; south, Mr. Bartlett's land and Puthur road; and west, water-spread of Polal tank.

ENCLOSURES Nos. 1 and 2.—Plans.

THESE papers refer to compensation for three pieces of land required for the Red Hills Water Works.

2. On the 5th May 1870 the Collector of Chingleput wrote to Government direct and requested that he might be authorized to take possession of the land under Act VI. of 1857. Government directed him to offer reasonable compensation in communication with the Board of Revenue and report the result.

3. Mr. Blair then addressed the Board, stating that, in anticipation of the sanction of Government, he had requested Mr. O'Brien to act as an Arbitrator on their behalf, and that he still wished to take his advice, paying him a fee of Rupees 70. The Board did not approve of this proposal and directed Mr. Blair to value the land himself. Finally, in their Proceedings of the 1st October 1870, No. 5,939, the Board authorized the Collector to offer certain terms of compensation to the owners of the land, and directed him to proceed under Act X. of 1870 if the offers were refused. He now reports that one has accepted, and that the other two have refused, the offers made to them, and submits a notification to be issued by Government under Section 6, Act X. of 1870.

4. The following statement shows the extent and successive valuations of the lands:—

—	Extent in Cawnies.	Compensation demanded at first by the owners.	Valuation by the Tahsildar.	Offered by the Board.	Now demanded.
		RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Mr. Church	18 2 0	3,767 8 0	1,800 0 0	2,770 0 0*	2,770 0 0*
Messrs. Fowler, Bradshaw, and Cramp.	62 5 0	12,462 8 0	2,428 0 0	2,470 0 0†	6,231 0 0
Mr. Bartlett	71 12 12	20,000 0 0	1,943 0 0	1,720 0 0.	.....

* Accepted by Mr. Church.
† Mr. Blair appears to have offered Rupees 2,794-4-6.

5. Messrs. Fowler, Bradshaw, and Cramp have petitioned Government. They state that their land was actually entered upon by the Engineers in March 1853, and that they demanded compensation at Rupees 200 a cawny in the same month; that their land has since been neglected and cannot be fairly valued now; that Mr. Blair told them they must submit to arbitration, and asked them to appoint an Arbitrator to act with Mr. O'Brien on the 5th May 1870, (the date of his letter to Government); that they agreed to this and named Mr. Maxwell as their Arbitrator on the 17th May; that Mr. Blair, ignoring his previous letter about arbitration, offered them Rupees 2,704-4-6 on the 10th October, and that they cannot consent to take less than Rupees 100 a cawny.

6. The Board believe that Mr. Blair's valuation was a fair one and it took into account the fact that the land had been neglected in consequence of the water-works since 1863. They are also of opinion that, even if the land was entered upon in March 1853, it might legally be dealt with now under Act X. of 1870.

7. Nevertheless taking all the circumstances of the case into consideration, the length of time during which the compensation has remained unsettled, and the Collector's distinct offer of arbitration, they are of opinion that it will be best either to pay the amount claimed or to recur to arbitration, and they propose with the consent of Government to ask the Collector which he would advise.

8. The Collector will ascertain what Mr. Bartlett now asks for his land. Messrs. Fowler, Bradshaw, and Cramp have diminished their first demand by one-half.

(A true Copy and Extract.)

J Grote
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two Plans, one Petition, and Board's Proceedings,
Nos. 4,727 and 5,939 of 1870.

Copy to the Acting Collector of Chingleput.

Recd. 18 1. Copies
Board of Revenue,
MADRAS. 800.
PROCEEDINGS, 1ST MARCH 1871, No. 904.
Public Branch
Received 11th
MARCH
No. 904.

Compensation—for certain lands in Chingleput District, required for Red Hills Water Works.—Certain correspondence relating to, submitted for orders of Government, with remarks.—Collector requested to ascertain what Mr. Bartlett now asks for his land.

Rd. J. Tulloch.

14th March 71