Proceedings of the Madras Government, Revenue Department, 22nd May 1871.

No. 291. Read the following Proceedings of the Board of Revenue, dated 14th April 1871, No. 1,556:—

Read the following letter from W. T. BLAIR, Esq., Acting Collector of Chingleput, to the Acting Secretary to the Board of Revenue, dated Sydapet, 14th March 1870, No. 96.

I HAVE the honour to submit the following observations for the consideration of the Board, with reference to their Proceedings, dated the 1st instant, No. 904.

2. These Proceedings relate to certain lands belonging to Messrs. Fowler, Bradshaw, Cramp, and Bartlett, which have been taken up for the Madras Water Works Project, of which a valuation was made by me in July last, which valuation was accepted by the Board in their Proceedings, dated 1st October 1870, No. 5,939.

3. The Board now state that, considering the length of time during which the compensation has remained unsettled, and my distinct offer of arbitration, they are of opinion that it will be best either to pay the amount now claimed for the lands in question, or to recur to arbitration; and they propose to ask me, with the consent of Government, which I would advise.

4. I cannot advise that either of these courses should be followed.

5. I am unable to see how the length of time, during which the compensation has remained unsettled, affords any ground for re-opening the case, as interest at 6 per cent. has been allowed up to the date of payment—a rate of interest higher than could have been obtained in Government securities or any other equally safe investment.

6. As to what the Board term my distinct offer of arbitration, I beg to state that I never made any offer of arbitration *absolutely*. As I considered the price demanded for the lands to be exorbitant, I wrote to Government (addressing them direct according to the usual practice of this office in such cases), and requested that I might be authorized to take possession of the lands under Act VI. of 1857; and, not anticipating any objection on the part of Government, I, in order to save time, wrote at once to the gentlemen concerned, and requested them to name arbitrators, arbitration being the course of procedure prescribed by Act VI. of 1857 for acquiring lands for public purposes. The Government having declined to accede to my recommendation until reasonable compensation for the lands had been offered and refused, my call upon the owners of the lands to appoint arbitrators, as a matter of course, fell to the ground, it being contingent on the Government's deciding to put Act VI. of 1857 in force. I have further to observe that all the owners of the lands objected most strongly to their claims being submitted to arbitration, and requested me myself to name what I considered a fair price for their lands, which is precisely what has now been done. It is very difficult to adopt any course of procedure that will satisfy these gentlemen. When told that I have recommended to Government that their claims should be submitted to arbitration, they ask me to settle them myself, and when I have done so, they assert that their interests have been prejudiced by the non-adoption of the very mode of settlement against which they protested.

7. My valuation was made with much care, and the Board have approved of it, and stated their belief that it took into account the fact that the land had been neglected in consequence of the water-works since 1868. The whole of the lands concerned are very similar in quality, any difference there may be being in favour of those owned by Mr. Church, who has accepted my valuation. Under these circumstances, I am convinced that if the claims of Messrs. Fowler, Bradshaw, Cramp, and Bartlett, are taken into a Civil Court under Act X. of 1870, the Court will not award to them anything in excess of my valuation.

8. Messrs. Fowler, Bradshaw, and Cramp, at first demanded Rs. 12,462-8-0, but have now reduced their claim by one-half, which shows how exorbitant their first demand must have been.

9. I beg most strongly to recommend that the valuation fixed in my letter of the 29th July last, No. 305, should be adhered to, and pending the reply of the Board to this letter, I have deferred ascertaining from Mr. Bartlett what he now asks for his land.

10. I have only to add that if the course advocated by the Board in paragraph 7 of their present Proceedings is to be followed in the cases of the gentlemen abovenamed, Mr. Church's claim must, in fairness, be dealt with in the same manner.

SUBMITTED to Government, with reference to Government Order, dated 14th March 1871, No. 444.

2. The Board think it best to refer the dispute with Messrs. Fowler, Bradshaw, and Cramp, and Mr. Bartlett, to arbitration.

3. They see no reason whatever for re-opening Mr. Church's claim.

No. 292. ORDER THEREON, 22nd May 1871, No. 901.

Miscellaneous.

THIS is about some land required for the "Red Hills Water Project." Property No. 1 consists of some 88 acres, and is jointly held by Messrs. Bradshaw, Fowler, and Cramp. Property No. 2 contains about 137 acres, and belongs to Mr. Bartlett.

2. On the 5th May 1870, while Act VI. of 1857 was still in force, the Collector applied to Government for leave to take the land under its provisions. The Government desired him to offer compensation, in communication with the Board of Revenue, and report the result. The Collector wished to leave it to the opinion of Mr. O'Brien, offering that gentleman a fee of Rs. 70 as he had already, in anticipation of the matter going to arbitration under Act VI. of 1857, requested him to act for the Government in the matter; but the Board desired Mr. Blair to value the land himself. This was done, and the Board approved the amount, directing the Collector to proceed under Act X. of 1870, if the terms were refused. They were rejected by the parties named in the first paragraph above, but accepted by the owner of a third tract, Mr. Church. The Board, however, were of opinion, considering "the length of time the compensation had remained unsettled, and the Collector's distinct offer of arbitration," that the amount held out for should be paid, or a recurrence had to arbitration. The Government approved the Board's

proposal to make a further reference to the Collector as to which course he would advise.

3. The Collector now explains that though he put matters in train for arbitration, he never at any time made any offer thereof. He cannot recommend either of the above courses, and is in favour of the application of Act X. of 1870, if his valuations are not accepted by the proprietors.

4. After careful consideration of these papers, His Excellency in Council is disposed to give Messrs. Fowler, Bradshaw, and Cramp, the reduced sum they now ask for, which, it is observed, is just one-half their original demand. Mr. Bartlett has not been questioned by the Collector again whether he still adheres to his claims, which, in the opinion of Government, are extravagant. This should now be done. If he does adhere to them, he should be offered the alternative of arbitration.

(True Extract.)

(Signed) D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant-General.
,, the Public Works Department.

Exd. F. R. Bantleman.

Govt. of [1871] Madras

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated 22nd May.

Recd. Read.

G. O., 22nd May 1871, No. 901.

MAY.
Nos. 291-292.

Lands taken up for Madras Water-works Project.—The reduced sum asked for by Messrs. Fowler, Brailsford, and Cramp, for their land claimed. Collector to question Mr. Bartle with reference to his claims.

Vide G.O. 1878 from the Agent to the Govr. of Fort St. George

Revenue Dept.

1871

Pros of the Madras Govt

Under date the 22 May 1871.

Read the following

Pros of the Bd of Revenue

Submitting letter from Collector of Chingleput on the subject of granting compensation to certain gentlemen for their lands taken up for Madras Water Works Project.

H.E. 14 April 1871. No 1556.

This is about some land required for the Red Hills Water Project. Property No 1 consists of some 88 acres and is jointly held by Messrs Bradshaw, Fowler and Tramp. Property No 2 contains about 137 acres and belongs to

Mr

Mr. Bartlett

2. On the 5 May 1876, while Act VI of 1859 was still in force the Collector applied to Govt for leave to take the land under its provisions. The Govt desired him to offer compensation, in communication with the Board of Revenue, and report the result. The Collector wished to leave it to the opinion of Mr. O'Brien, offering that gentleman a fee of Rs 50 as he had already in anticipation of the matter going to arbitration under Act VI of 1857, requested him to act for the Govt in the matter, but the Board desired Mr Blair to value the land himself. This was done, and the Board approved the amount directing the Collector to proceed under Act X of 1870. The terms were passed. They were rejected by the parties named in the 1st para above, but accepted by the owner of a third tract. Mr Church. The Board however, were of opinion, considering the length of time

time the compensation had
remained unsettled, and the
Collectors distinct offer of
arbitration that the amount
held out for should be paid
or a reference had to
arbitration. The Govt approved
the Board's proposal to make
a further reference to the
Collector as to which course
he would advise.

3. The Collector now ex-
plains that though he
put matters in train for
arbitration, he never at
any time made any offer
thereof. He cannot recommend

either

either of the above courses,
and is in favor of the appli-
cation of Act X of 1870, if
his valuations are not ac-
cepted by the proprietors.

4. After careful con-
sideration of these papers,
His Excellency in Council
is disposed to give Messrs
Fowler, Bradshaw & Crump
the reduced sums they now
ask for, which, it is observed,
is just one half their
original demand. Mr
Bartlett has not been
questioned by the Collector

as yet.

Sept 1—292

C

Geo
Land for Reservoir
Water Project