

(1) Number of pages 4
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

DEPARTMENT

Revenue.

G.O. No.	1508	Press.
B.P. No.		Mis.
Dated	15-3-1877	197 .

Not to be folded or roughly handled

1508

*Proceedings of the Madras Government, Public Works Department,
24th February 1877. No. 645.*

Read the following papers:—

No. 627. From Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, to the Secretary to Government, Public Works Department, dated Fort St. George, 9th January 1877, No. 367—W.

I HAVE the honor to forward, for the orders of Government, the correspondence noted in the margin between this office and the Executive Officer, Carur Division, on the subject of a payment which he proposed to make to the Collector of Coimbatore as Administrator of the Local Jungle Conservancy Fund for certain trees said to have been planted at the expense of that fund on the banks of an irrigation channel.

Letter from the Executive Officer, Carur Division, No. 28 of 18th November 1876.
Do. do. Examiner of Public Works Accounts, No. 98 C.I. of 27th November 1876.
Do. do. Executive Officer, Carur Division, No. 30 of 29th November 1876.
Do. do. Examiner of Public Works Accounts, No. 104 C.I. of 14th Dec. 1876.
Do. do. Executive Officer, Carur Division, No. 32 of 19th December 1876.

2. It will be seen from the last of the letters quoted (No. 32 of 19th December 1876, from the Executive Officer, Carur Division,) that the trees stand on ground which has always been considered as appertaining to the irrigation channel in question, and therefore not the property of the Jungle Conservancy Fund. I believe that a private individual planting trees on the property of another does not thereby acquire any property in the trees; and it seems to me very doubtful whether the claim put forward on behalf of the Jungle Conservancy Fund can be sustained. If this claim is admitted, other claims of a like nature will probably be put forward, and it may become necessary to investigate the ownership of the trees on the banks of canals and by the sides of roads throughout the Presidency.

3. I respectfully request that I may be favored with the orders of Government on this matter.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, dated Carur, 18th November 1876, No. 28.

I HAVE been directed to pay to the Sub-Collector a sum of Rupees 159, being the value of certain palmyrah trees planted on the bank of an irrigation channel, but which trees have recently been handed over to the Public Works Department, I request to be informed how the payment should be made, in cash or by transfer?

From Lieutenant C. H. P. CHRISTIE, R.E., Deputy Examiner of Public Works Accounts, to J. NICHOLSON, Esq., Executive Officer, Carur Division, dated Fort St. George, 27th November 1876, No. 98 C.I.

With reference to your letter No. 28, dated 18th November 1876, I have the honor to inquire how it is that the trees have to be paid for, and how the trees have since been handed over to Public Works Department.

Please explain the transaction fully.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, Madras, dated Carur, 29th November 1876, No. 30.

In reply to your letter No. 98 C.I., dated 27th November 1876, I beg to report that the trees were some years ago planted on the Pullapelliam channel bank by the Revenue officers,

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the cost being paid from Jungle Conservancy Funds; in carrying out improvements to this irrigation work, from irrigation funds, the channel bank has been fenced with a row of palmyrah trees, and it has been thought advisable for this department to have charge of all trees growing on the bank to prevent dispute between the two departments as to which own the trees.

From Lieutenant C. H. F. CHRISTIE, R.E., Deputy Examiner of Public Works Accounts, to J. NICHOLSON, Esq., Executive Officer, Carur Division, dated Fort St. George, 14th December 1876, No. 104 C.I.

WITH reference to your No. 30 of 29th November 1876, I have the honor to inquire whether the trees, for which it is proposed to pay compensation, stand on land which has always been considered as appertaining to the channel, and as such in charge of the Public Works Department, or whether they stand on additional land recently acquired.

From J. NICHOLSON, Esq., Executive Officer, to Captain L. CONWAY-GORDON, R.E., Examiner of Public Works Accounts, Madras, dated Carur, 19th December 1876, No. 32.

IN reply to your No. 104 C.I., dated 14th December 1876, I beg to report that the trees stand on land which has always been considered as appertaining to the channel. I think the charge cannot be taken as compensation, since it would be a payment to the Revenue Department for the actual cost incurred by them in planting the trees.

No. 106.

REFERRED to the Collector of Coimbatore with the request that he will explain the nature of his claim.

16th January 1877. (Signed) G. W. WALKER, Major-General, R.E.,
Secretary to Government, P.W.D.

No. 627-A. From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Secretary to Government, Public Works Department, dated Coimbatore, 14th February 1877, No. 26.

WITH reference to your office endorsement No. 106 of 16th January, (herewith returned,) requesting me to explain the nature of the claim to a payment by the Public Works Department for the value of trees planted from Jungle Conservancy Fund on the Pullapolliem Channel in Carur Taluq in 1872, but which were taken charge of by the Public Works Department in 1876, I have the honor to enclose a copy of a letter from the Sub-Collector, No. 23 of 30th January 1877, explaining the nature of the claim, with which I concur.

2. I would observe that the Jungle Conservancy Fund is composed of items of revenue derived entirely from trees on Government waste and Poramboke lands, Imperial property, and it is utilized in improving such lands by plantations wherever needed. When the trees were planted on the Pullapolliem Channel by the Revenue authorities, the bank was Government Poramboke, and legitimate ground to plant upon from the Jungle Conservancy Fund. The expenditure was incurred from this source, and the fund was clearly entitled to the results of the outlay. It is on these considerations that the proposal of the Superintending Engineer that his department should pay for the trees planted from Jungle Conservancy Fund, and undertake the

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future planting of the bank, was approved by me. So the amount of Rupees 159 agreed to be paid is clearly due to the Jungle Conservancy Fund.

From G. McWATTERS, Esq., Acting Sub-Collector of Coimbatore, to A. WEDDERBURN, Esq., Collector of Coimbatore, dated Erode, 30th January 1877, No. 23.

IN reply to your memorandum, dated 19th instant, No. 141, enclosing correspondence* connected with the payment of compensation for certain trees planted on the Pullapolliem

channel, I have the honor to state that, I think, the Public Works Department should pay the amount already settled, viz., Rupees 159.

2. These trees were planted out of the Jungle Conservancy Funds in 1872 for the public benefit, and it was only in 1875, or three years after, that in pursuance of a Government Order apparently of that year, entrusting the planting of irrigation channels to the Public Works Department, that the Range Officer, Mr. Nicholson, suggested to the Tahsildar that the further planting of trees on this channel bank had better be left to him, and it was only in March 1876 that the Superintending Engineer requested that the trees planted in 1872 out of the Jungle Conservancy Funds should be taken over at a valuation.

3. I do not so see, therefore, why the Jungle Conservancy Funds are to be defrauded by giving the Government Order referred to by Mr. Nicholson retrospective effect.

4. The opinion as to the result of one man planting trees on another's land, expressed by the Examiner of Public Works Accounts in paragraph 2 of his letter, is altogether unsound, and has no bearing, even if sound, on the present dispute. Compensation in such cases is always allowed.

No. 628. ORDER THEREON, 24th February 1877, No. 645.

IRRIGATION, No. 63.
Account.

PAYMENT of Rupees 159 for the trees as a charge against Ordinary Agricultural, (Original Works, is sanctioned.

2. This sanction has been registered as No. 335—I of 1876-77.

(True Extract.)

W. W. Walker

Lieut.-Colonel, R.E.,
Secretary to Government.

To the District Engineer, Coimbatore.
" Collector of Coimbatore.
" Chief Engineer for Irrigation.
" Examiner of Public Works Accounts.
" Revenue Department.

Exd. S. T. Austin.
Spare Copies

Revenue Department
No. 1768
Govt. of 1877 Madras.
PUBLIC WORKS.

To
THE DISTRICT ENGINEER,
COIMBATORE,
&c., &c., &c.

Dated February 24th.

Issued

Recd. 15 March

G. O. 24th February 1877, No.

FEBRUARY.

Nos. 627-629.

included in No. 1508.

Comm. to the
Board of Revenue
15 March 77.

Pullapoliem Channel, Coimbatore District.
Payment of Rs. 150 for the trees
planted at the expense of the King's Con-
servancy Funds on the — sanctioned.