

(1) Number of pages _____

(2) Date of repair _____

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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	882	Press
		Mis.
Dated	22.8.	1892.

Not to be folded or roughly handled

22ND AUGUST 1892, No. 882, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—again the following G.O., dated 19th November 1891, Mis. No. 5954, Revenue:—

Read—the following letter from W. AUSTIN, Esq., Chairman, Harbour Trust Board, Madras, to the Chief Secretary to Government, dated Madras, 28th October 1891, No. 2097:—

I have the honour to submit, for the information and orders of Government, a bill from the Madras Municipal Commission for Municipal tax upon a godown No. 29, Monegar Choultry Road, used for the storage of Harbour Works cement, amounting to Rs. 45-12-0, which has been paid, as the Trust does not appear to be exempted in this instance.

2. The godown is situate a little to the westward of the area occupied by the Board's Engineer, and is marked Harbour Works cement godown No. 4-A upon the accompanying plan.

3. Schedule A, Act II of 1886, vested in the Trustees all land within the arms of the harbour, exclusive of the emigration yard and the office of the Deputy Commissioner of Police, the site occupied by Clive's battery being subsequently surrendered to the Military authorities by the Trustees.

4. G.O., No. 494, Revenue, dated 19th May 1887, made over to the Board the properties at Cassimode acquired on account of harbour construction consequent upon the erosion of the sea to the north of the harbour.

5. The harbour works block-making grounds with all the buildings and machinery thereon and also this godown do not appear to have been formally transferred to the Trustees, although actually in their occupation, and the Board does not therefore appear to be free from liability for Municipal taxation thereon, although taxes are claimed only upon this godown.

6. The matter was considered by the Board at its meeting of the 28th August 1891, and I am desired by the Trustees to request that the whole of the land and buildings in the occupation of the Board's Engineer opposite the north arm of the harbour and godown No. 4-A may be formally made over to the Harbour Trustees.

7. A plan is enclosed herewith for reference showing the boundary of the Harbour Works premises within the blue line.

Transferred to the Revenue Department.

14th November 1891.

(Signed) J. F. PRICE,
Chief Secretary.

Order—dated 19th November 1891, Mis. No. 5954, Revenue.

Forwarded to the Commissioners of Land Revenue for remarks.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue, with the enclosures.

READ—also the following Proceedings of the Board of Revenue (Land Revenue), dated 8th June 1892, Mis. No. 3510 :—

THE HON. MR. H. W. BLISS.

Read—G.O., dated 19th November 1891, Mis. No. 5954, Revenue.

Reference thereon, dated 9th December 1891.

Referred to the Collector of Madras for early report.

Read—also the following letter from W. AUSTIN, Esq., Collector of Madras, dated 13th April 1892, No. 837 :—

I have the honour to submit the report called for in Board's Reference on Government Register No. 3043 of the 9th December 1891.

2. The Harbour Works block-making grounds, &c., referred to in paragraph 5 of the Chairman's letter embodied in the Government Order communicated with the Board's reference under reply, from Survey Nos. 233 to 235 of the Tandyarpet division and their aggregate area, as per survey, is stated to be 4 kanis, 15 grounds and 2,065 square feet. The whole of this land is stated to be the same as that transferred to the Harbour Works Department as per Government Order, Public Works Department, No. 2628, dated 13th September 1875, and the portion of it then in charge of the Revenue Department was formally handed over to the Harbour Works Superintendent and acknowledged by him in his letter, No. 155-M., dated 27th June 1876, so that in this case no formal transfer is now necessary.

3. As regards the godown marked 1-A on the Chairman's plan it is stated to form part of Survey No. 45, its extent being 2 grounds and 140 square feet. There are no records in this or the Deputy Collector's office to show when this property was transferred to the Harbour authorities, and a formal transfer seems to me necessary to save the Trustees from liability to pay Municipal assessment, &c.

4. The enclosures to the Board's reference under reply are returned.

Resolution—dated 8th June 1892, Mis. No. 3510.

Submitted to Government with reference to its order, dated 19th November 1891, No. 5954.

2. With reference to the Collector's remarks about the block-making grounds, it is observed that their transfer to the Harbour Works Department in 1875 cannot be held to be made to the Trustees constituted under Act II of 1886 and cannot therefore be treated as *valid under the Act*. The Board accordingly recommends that a formal transfer of these grounds as well as of the godown referred to in paragraph 5 of the Harbour Trust Board Chairman's letter may now be made.

(A true Copy and Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To the Secretary to Government, Revenue Department,

with two enclosures returned (one enclosure, Municipal receipt, has been mislaid, and will be sent when found).

Copy to the Collector of Madras.

ORDER—dated 22nd August 1892, No. 882, Revenue.

Miscellaneous.

The proposal to transfer the block-making yard and godown to the Harbour Trust Board is based on the supposition that such transfer would exempt it from liability to Municipal assessment. Section 28 of the Madras Harbour Trust Act (II of 1886), however, exempts from Municipal rates only those properties which are vested *by the Act* in the Harbour Trust Board. These properties are both those specified in schedule A (section 25) and those acquired by the Board under the Land Acquisition Act on payment of compensation (*vide* the latter portion of section 27), but as the lands in question do not fall under either description, section 28 is inapplicable. Apparently it is intended to claim exemption from Municipal assessment under section 119 of the City of Madras Municipal Act (I of 1884), in which case it is doubtful whether transfer to the Harbour Trust Board is necessary to bring the case under the section, seeing that the lands and the buildings thereon are works "connected with the Harbour of Madras," whether they are the property of the Harbour Trust Board or not. The Government will not, however, object to a *temporary* assignment of the lands to the Harbour Trust Board on the understanding that the transfer is not one in perpetuity and of proprietary right, but is only for the purposes of the construction of the harbour and till it is finished, when the lands will revert to Government.

(True Extract.)

(Signed) C. A. GALTON,
Secretary to Government.

To the Commissioners of Land Revenue.
,, the Marine Department, with the enclosures returned.

Exd. A. Aubert.

50 Copies.

Original

Govt. of Madras.
REVENUE.

22/8/92
16/1/83
16/1/84
20-3-22
21-10-26 B.H.
27-9-41 J.I. ✓

432

Issued

Recd.

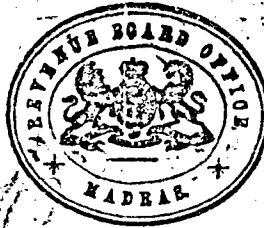
Encl.

G.O., 22nd August 1892, No. 882.

AUGUST.

Harbour Trust Board, Madras.

Passing orders on the proposal to transfer
ertain land to the —.



Proceedings of the Board of Revenue
(Land Revenue),

Dated 8th January 1892

No. 3510

The Hon. Mr. H. W. Bliss

READ Government Order Revenue Department dated 19
November 1891 No. 5954. His and the following
reference thereon dated 7 December 1891

"Referred to the Collector of Madras for early
report"

Read also the following letter from Mr. Austin Esquire
Collector of Madras dated 13 April 1892 No. 837.

I have the honor to submit the report
called for in Board's Reference on Government
Register No. 3048 of the 7 December 1891.

2. The Harbour works block-making ground
sea-referred to in para 5 of the chairman's
letter embodied in the Government Order
communicated with the Board's Reference under

from Survey nos. 233 to 235 of the Tandyan-
pur Durao and their aggregate area, as per
Survey is stated to be 4 Kavis, 15 Grounds and
20 1/2 square feet. The whole of this land is
stated to be the same as that transferred to the
Harbour Works Department as per Government
Order Public Works Department No. 2628 dated 13
September 1875 and the portion of it then in charge
of the Revenue Department was formerly handed
over to the Harbour Works Superintendent and
acknowledged by him in his letter No. 155 M. date
27 June 1876 so that in this case no formal
transfer is now necessary.

2. As regards the Godown marked 4 A on
the Chairman's plan it is stated to form part
of Survey No. 45, its extent being 2 grounds and
14 1/2 square feet. There are no records in this or
the Deputy Collectors' Office to show when this
property was transferred to the Harbour authority
and a formal transfer seems to me necessary
to

Section 22
of Madras Act II of 1886

Give the Trustees from liability to pay municipal
assessment &c.

1. The enclosures to the Board's Reference under
reply are returned.

Resolution

Submitted to Government with reference to
its order dated 19 November 1891 No. 5954.

2. With reference to the Collector's remarks
about the block-making grounds it is observed
that their transfer to the Harbour Works Depart-
ment in 1875 cannot be held to be made to the
Trustees constituted under Act II of 1886 and can
not therefore be treated as valid under the Act.

The Board accordingly recommends that a formal
transfer of these grounds as well as of the
Godown referred to in para 5 of the Harbour Trust
Board Chairman's letter may now be made.

(True copies & extract)

[Signature]

To The Secretary to Govt. R. D. For Ag. Secretary.
with 2 enclosures returned (1 Enclosure (Munis-
cipal receipt) has been
copied to the collector of Madras. (1 Encl. with receipt
when found.)

Revenue 1892 Dep

Board of Revenue
(Land Revenue)

G.O. 13-9-75 P 2628 P.H. 1892
- 19-11-91 A 5952 M
- 23-9-75 1972 Rev. M

Madras
Current Number 511
20

The Secretary to Govt.
R. S.

G.O. dated 22 Aug 1892

Pro: dated 8 June 1892

No. 3510 M

Recd 16 June

Enc 2

The Harbour Trust Board
Subject

Submitting to Government
with remarks report from the
collector of Madras regarding
transfer of certain lands to a
godown to the Harbour Trust
Board, Madras.

G.O. 30/6/92

The Board's recommendation in para 2
of its Pro: read above is approved
and sanctioned

22/6

To The Commr of Land Rev.
a Marine Dept.
a W. Dept.
17/6 22/6

28 of the Act exempts from
municipal rates only those
properties which are vested by the
Act in the H. T. B. These are the
properties described in Sch. A. All
other properties acquired by the Board
under the Act are not properties
vested by the Act in the Board. The
idea therefore that a grant of the
godown or the blockmaking yard
to the Trust will bring them under
Sec 28 is incorrect.

Further the blockmaking yard will
not be acquired by the Trust after
the completion of the Harbour
and I see no reason why it should
be transferred to them in proprietary
right. It is a piece of land of
considerable value which might
be wanted for public purposes, &
we should not make it a present
to them. It apparently belongs
to Govt & we have no power under
the India rules to give it away.
The thing wants more looking
into

10.8.92, July.

REVENUE DEPARTMENT.

Current No. 5401 of 1892.

From Bond of Revenue (Land Revenue)

Dated 8 June 1892 No 3510

FOR ORDERS.

The following note is submitted with
reference to the remarks of the Honble
Act H. E. Stokes, K. C. S. I on the
back of the current read above.

The Harbour Trust Board requested
that the blockmaking grounds &
another place used for the storing
of Harbour works cement, which
have been in their occupation, be
formally transferred to them
and this request is supported
by the Board of Revenue. The
proposal is based on the opinion
that by this transfer the property
will be exempted from Municipal
assessment. Part Section 28 of the
Madras Harbour Trust Act (II of 1886)
exempts from municipal assessm.

only the property vested in the Board
by the Act. This property is specified
in Schedule A. (vide section 25) & the
lands proposed to be exempted are
not included within it. The
Honble Member is therefore of opinion
that the lands are not exempt
from Municipal Assessment as
supposed by the Harbour Trust Board.

2. It is respectfully submitted
that the Harbour Trust Board has
probably referred to Section 119 of
the City of Madras Municipal Act
(I of 1884) which exempts from
assessment public piers, wharves,
jetties & all other works connected
with the Harbour of Madras. The
blockmaking grounds & godown, though
not forming part of the harbour
as defined in Section 3 of the
Madras Harbour Trust Act, may
still be considered as connected with
it inasmuch as they are required

for its completion & in this sense they
may be exempt. It is true that in
Section 28 of the Harbour Trust Act
passed subsequent to the City of
Madras Municipal Act, the following
words are contained:-- "notwithstanding
anything in Madras Act I of 1884 or
other law for the time being in force"
This can only mean that if by any
chance, the clause allowing exemption
in the Municipal Act is omitted
or repealed, the exemption as regards
the property vested in the Harbour
Trust Board should nevertheless
continue. Here the Municipal Act
apparently extends the exemption
to works not vested in the Harbour
Trust Board, if they are connected
with the Harbour & this is probably
how the Harbour Trust Board, the
Collector & the Board of Revenue
have understood the section.

by the Act of
3. Even if the two Acts should be

understood as exempting the same description of works & no more, it appears to be necessary to transfer the black-molding yard & go down to the Harbour Trust Bond temporarily till the Harbour is completed. Otherwise the lands in question being ^{Govt} property, the Govt will have to pay Municipal tax thereon under Section 119 of the City of Madras Municipal Act (I of 1884). For this reason, the cricket ground at Chepauk, which had been in the occupation of the Madras Cricket Club, was formally granted ^{to them} subject to reversion when it ceased to be used for the purpose of a cricket ground (vide G.O. 819 Duly 1889 No 605). The grant to the Harbour Trust Bond, if approved, may be subject to a similar condition. It will be observed that the lands have been

Assuming, if the land is sold one to the H.T.B. they will escape Muni. tax as in it under Sec. 119 of the Madras Muni. Act, which forbids escape payment for the same. The transfer of the land on in perpetuity to the proprietors of the land for the purpose of the construction of the Harbour & when it is finished, then it shall revert to Govt.

3077/52

I have no objection to such a temporary arrangement until the Harbour is completed & through doubt whether that is necessary to bring the same under Sec. 119 of I of 1884. They have the right to use the works connected with the Harbour of Madras. The Govt. they are the property of the H.T.B. The non-objection of the Govt. is not a condition. It is not a condition. It is not a condition. It is not a condition.

in their occupation on 1886 & what is proposed is merely a recognition of this temporary occupation formally. The lands measure in all 4 Kanis, 17 gounds, 2205 ~~gounds~~ ^{sq ft} & probably for worth Rs 89,000 at Rs 500 a ground. Confirmation of the order by the Govt of India will, therefore, be required and application will be made in case the grant is sanctioned.

MS 20/7

I agree
Chy
22/7

Re. the transfer of certain land
to the Harbor Trust Board, Madras.

The Honble Mr. Canning Esq. &c.
The Honble Secy. of Home Affairs &c.

Please send me
of the old of 100: 5110
At the 12th

Read again G.C. $\frac{3734}{19-11-9}$

Real C. No. 5401 of 1892

P.O. of 22 Aug. 1892, no. 882

The proposal to transfer the blockmaking
yard & godown to the Harbour Trust
Board is based on the ^{assumption} ~~opinion~~ that
such transfer would exempt them from
liability to Municipal assessment. The

I of Section 28 of the Madras Harbour Trust
20/8/92 Act (II of 1886) ^{from} exempts from Municipal
rates only those properties which are
Held ^{and} vested by the Act in the Harbour.

Fruit Bonds. These properties are
 1st ~~either~~ those specified in Schedule A
 Section 25) ^{and} those acquired by the
 Land Board under the Land Acquisition Act
 on payment of compensation (vide
 the latter portion of section 27) and

Note: The following conditions / limitations are attached
subject to the above.

I think sec 20 covers agricultural
 under sec. 27. but I do not
 understand why property acquired
 under the act has to be exempt
 be stated in the deed or assessor's
 property acquired by purchase
 under sec 26. The words
 such property in sec 27 however
 are clearly restricted to property
 acquired under the act.

The lands in question do not fall under
 either description. Section 28 would be
 inapplicable. Apparently exemption
 from Municipal assessment is proper
 to be claimed under Section 119 of the
 City of Greens Municipal Act (1.

City of Madison Municipal Act (1

in which ^{case} it is doubtful whether the
transfer is necessary to bring the case
under the section ^{concerning the} the lands & the
buildings thereon are works connected
with the harbour of Madras whether
they are the property of the Harbour
Trust Board or not. The Board will
not, however, object to a temporary
assignment of the lands to the
Harbour Trust Board on the understanding
that the transfer is not one in perpetuity
of proprietary right but is only
for the purposes of the construction
of the Harbour & till it is finished
when the lands will revert to Govt.

Ch
13/8

To the Commissioners of Land Revenue
Marine Deptt with the enclosure
returned.
15/11/19
50/11/19

At the Honble Members do not

consider a transfer of ownership to be
necessary & as what is permitted
is merely a temporary occupation of
the lands a reference to the laws
of India does not seem to be required.
For there is neither sale for full value
or on favourable terms or a gift of
the lands. The papers relating to alienation
are put up tied with a red tape.

100

Some time a reference to
India is necessary Ch
13/8

C. No. 5401 of 1892

Re: transfer of certain lands to the
Harbour Trust Board, Madras

Printed
22/5

G. O. 22nd Aug. 1892, no. 882.

The Harbour Trust Board,
Madras

C. 190
Q. 21/1