

21 Feb 1897
Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 2013.

DATED 14th April 1897

[Despatch Abstract.]

Referring to the Board of Revenue for very early remarks, letter from the Government Solicitor returning with remarks, having amended as directed, the draft form of lease of land for coffee cultivation in the Coimbatore Dt.

13-9-11

BACK. PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Ch 37	2372		11-5-97				

Revenue (189) Department.

CURRENT No. 3193

Spence
14/4/97

From Telegram

The Secretary of State
 for India
 London

No.

Order mis No. 2014 d⁴ 14 April 97.

Communicated
 to the Com^r of wards.

4/4/97

Dated 12th
 Received 14th
 Registered 15th } April 1897
 Enclosures
 Spare copies

Libb
14/4/97

To the Com^r of wards.
 14.4.97

SUBJECT.

Stating that the Belgaum
 Appeal has been rejected
 with costs.

BACK PAPERS.

G.O.	No.	Department.	Date.

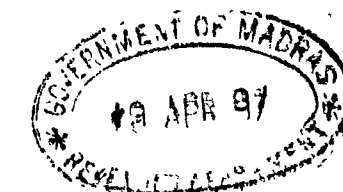
FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 1236

18

Madras, 8th April 1897.



From,

Ernest Barclay,

Government Solicitor,

Madras.

To,

The Secretary to Government

Revenue Department

Madras.

Sir,

1. With reference to the Order of Government Revenue Department dated 1st April 1897 No 230 I return herewith the draft form of lease referred to amended as therein directed, except as to G O Revenue No 102 dated 16th February 1897.

2. In his letter of 18th December 1896 to the Commissioners of Land Revenue, the Collector of Coimbatore suggests (para 5) that in most, if not in all cases, it will be necessary to make a special boundary or outline survey, after the lines are cut, and that provisions for this should be inserted as a condition of the lease in all cases. In the Resolution of the Board of Revenue, Forest, Mis. No 8, dated 7th January 1897, para 3, the Board says that the assessment should be charged on the area found on a boundary or outline survey which should be provided for as recommended in paragraph 5 of the Collector's letter, but that, after a block has once been granted, no rectification of boundary can be asked for on the ground that the area is in excess of the original computation. By G.O. No 102 - the Collector's proposals, as modified with reference to the Board's

20
remarks, were approved and sanctioned. I was instructed to modify the form of lease with reference to these orders.

3. In the first place, I would point out that the form of lease purports to be a demise of a particular piece of land described in the first Schedule to the lease and delineated in the plan thereof annexed to the lease, so that, no provision for a further boundary or outline survey should, as suggested by the Collector, be inserted in the lease. In the first Schedule to the lease, the land demised is described by (inter alia) its survey numbers, boundaries and extent, which particulars will, or should also appear in the plan to be annexed to the lease. I would suggest therefore that the recommendation in para 5 of the Collector's letter, as modified by the Board's resolution, should be acted upon before, and not after the lease is granted and it might be made a condition of granting the lease that the special boundary or outline survey of the land should be made, after the lines are cut. This is the more important as it is, of course, very necessary that the lease should define with certainty the land demised thereby and, in its Resolution, the Board directs that the assessment be charged on the area found on a boundary or outline survey, while clauses 21st sequitur of the form of lease provide the rents or assessments to be paid by the Lessee for the land comprised in the lease. Again, the Board, in its Resolution, says that, after a block has once been granted (i.e. after the lease has been executed) no rectification of boundary can be asked for, so, clearly, it will be necessary that the boundary or outline survey should be made before the lease is granted, in which case, no such provision as that suggested by the Collector of Coimbatore will be necessary in the lease.

4. With reference to G O No 111 of 20th February 1897 and G O No 1784 of 2nd April 1897, the list of trees prescribed in the former

contains three kinds of trees for which the Board of Revenue has not given rates in its Proceedings of 13th March 1897. These trees are.

Terminalia paniculata

Terminalia tomentosa

Acrocarpus fraxinifolius

and, in lieu of *Lagerstroemia microcarpa* (Venteak) which is said to be a classified tree for which the seigniorage rate has already been fixed, I understand that *Sapindus emarginatus* is to be substituted (See G O No 111 and Board's Resolution No 105 of 13th March 1897).

5. As explained in my letter of 4th February 1897 No 71 I did not see how Local Fund Board could, by the lease, be made liable to pay the Lessee named in the lease compensation for constructing branch roads through the land demised and therefore made no such provision in the form of lease. I note now from G O No 230 Press of 1st instant, Government is of opinion that the lease should contain no reference to the liability of the Local Board to pay compensation for land taken up for the construction and maintenance of branch roads. Clause 17 of the form of lease reserves liberty to Government to resume any part of the land demised that may be required for any public purpose and Clause 18 provides for the compensation that is to be paid to the Lessee in such cases.

I have the honor to be,

Sir,

Your Obedient Servant,

Ernest Barclay

Government Solicitor.

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

ST No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DIVID

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

A A A A A A A

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only