

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 230

DATED 1st April

[Despatch Abstract.]

Lease.

Returning, with remarks, to the Government Solicitor for further revision the draft form of — for lands to be granted for coffee cultivation on the Annamalais in the Coimbatore D^o.

BACK PAPERS.

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

FURTHER PAPERS.

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

Revenue (1896) Department.

CURRENT No. 9236

The Hon: Mr. George C. L.

Order nisi

From Govt. Solicitor
Madras

The draft form
of the lease will be returned
to the Govt. Solicitor for
revision with reference to G.O.
694 of 4th Decr 1896

No. 656

2. In para 13 of chat
~~to be above quoted~~ the Govt has
~~already decided~~ ^{declared} remarked
that the ques-

Dated 15th
Received 16th
Registered 17th } Decem 1896
Enclosure 1
Spare copies

tion whether any, and if so what,
compensation should be given ^{on account}
of the ~~construction~~ ^{by one lessee of a branch}
~~a road~~ ^{road} passing through the lands of
private party ~~lessee~~ ^{land} should be
left for its own decision as each
individual case arises. ^{The same}
principle should be observed in dealing
with the case of ~~applicants~~ ^{lands} required for
roads

SUBJECT.

For forwarding, for approval
form of lease of land
on the Annamalai Hills
for Coffee Cultivation.

Received 10/1/97

to construction of branch roads by the District Board. also if it is necessary to reserve to that authority the power to enter upon the reserved land and take up portions thereof, maintaining for the purpose of constructing branch roads by subject to the payment of such compensation as the Govt may consider equitable to the Govt Solicitor with leave from the Dist. Board to the lessee.

Note

It is presumed that no exceptions need be made in such cases of the District Board

By me
9.1.97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Recd. the order of the following order No. 302 dated 15th Dec/96 No. 656

Madras 15th December 1896.



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 26th September 1896 No 495, I forward herewith, for approval, form of lease of land on the Anamalai Hills.
 2. The red ink figures in the form of lease denote the paragraphs and sub-paragraphs of the above order. I have thought it as well to put these figures in but simply for the purpose of reference and in order to show the different paragraphs of the Order to which the provisions in the lease relate. The red ink figures should not be inserted in the printed form of lease.
 3. The second Schedule to the Lease is for the rates to be fixed for excepted trees and for which the Board of Revenue has been requested to frame and submit a table (See para 2 (VIII) of the Order)
 4. In para 4 of the Lease a blank has been left for the descriptions of "minor produce" which the Board of Revenue has been requested to define (See para 7 of the Order). This blank, as also the 2nd Schedule to the lease, should be filled up before the lease is printed.
 5. Para 6 of the Order says that the maintenance of the main road (through the land) when completed and the construction and maintenance of the necessary branch roads for the use of the public will devolve on the Local Boards. For the construction and maintenance of the main road I have been able to provide in the Lease by excepting from the demise sufficient land for the construction of such road and reserving to Government the right of entering on the land comprised in the lease

20 XII 22/3/97

Local & Genl Dept

[L. & M.]
200-N-8-98

NOTE FOR THE Secretary

It seems hard to ask the local boards to bear the cost of compensation for lands taken up for the branch roads in addition to the cost of their construction and maintenance. May not the lands required for the roads be reserved for the purpose now, before the grounds are assigned to the planter.

P.R.
10/3/97

H.M.

I don't see how they can be pointed out now
Jg
22/3/97

I have the honor to be
Sir

Your Obedient Servant

Ernest Barclay
Government Solicitor.

It should have been
H.M. Jg

Yes - certainly
H.M.

I haven't got the rule, & it is not put up
Jg

17/3/97

For Jg - this is in the file - Mr. Ince, evidently means para 8 (xii) of the S.O. - there is no XII
H.M.
22/3/97

To be sure in the first place that before the G.O. dated 18 Jan 1897 no. 302 Revenue Dept., which purports to saddle Local Boards with certain responsibilities or liabilities, was issued, this Dept was not in any way consulted.

I would strongly urge that the compensation for roads taken up shd be limited to the amounts specified in Art XII of the Rules in G.O. 28 Sept 96 no. 495 Rev. The Local Fund Board

is not likely to open ^{so many} roads
which will as to be burdensome
to any particular lessee.
Besides the general advantage
is paramount. The rates
proposed in the rule referred
to are in the circumstances
reasonable

J.P. 18/3/97

Returned to the Secretary
Rev. Secy.

J.P. 18.3.97

If the road goes through
much R 500 land it will
be burdensome.

J.P.
22/3/97

From

Hon. Secy. C. I. & L.

Dated

189

Hon. Secy. W. H. C. I. & L.

FOR ORDERS.

What the 18.1.97 R. D.
302

My about the Local Board is that
when it makes a road through
an Anawak's Plumber's land
it is to pay such compensation
as Govt may consider equi-
table due. The L & M. Secy
my, the order into the L & M.
RD into a new liability. So it
does & it ought to have been
sent to the L & M. Secy for
counter signature. I do not

think the
file for the
L & M. Secy
Note
180

remember the rule the L & M.
Secy refers to, & it is not put up,
but apparently it refers to
ordinary land, while the land
where we are now concerned
is coffee land & may be worth
R 500 an acre, having been
cultivated into coffee for 5
years or more. If the L & M.
takes up such land it should pay
accordingly. I think the draft
should be passed.

J.P.
22/3/97

With reference to the note in the L. & M. Dept.

herewith circulated & to the remark of the

H.M. thereon, I would point out that the state-

ment that G.O. 302 Rev. of 13/1/97 "saddles

Local Bds with certain responsibilities"

is inaccurate. The order states that each case

of compensation is to be settled as it arises.

Doubtless when the case arises it will be dealt

with in the manner suggested in the latter part

of the note. It is suggested that the order

in current may be dealt with

18/3/97.

But this is exactly what the L & M. Dept. said,
subject to the proviso that the order of compensa-
tion should be passed therefrom in para
8(vii) of the G.O. of 1st 25, 1896. If this is pointed,
there is no objection to the draft that I have
drawn up.

J.P.
22/3/97

Hon. Secy. W. H. C. I. & L.

Yes - this is what was

when first

J.P.
22/3/97

C. 19/3/97
R. 22/3/97

FOR ORDERS.

The Hon. Mr. G. C. 12.
Alis

JG
 22/3/97

To
 The Secy to Govt.
 L & M Dept
 for favour of counterinitials
 with reference to para 2
 of the draft

JG
 See note under 11/1/97
~~Discussed that~~
~~to be done for~~
~~to be done for~~
~~to be done for~~
~~to be done for~~
~~to be done for~~
~~to be done for~~
~~to be done for~~

The ~~question of the~~ recovery of
 compensation so paid from the
 Local Board cannot be provided
 for in the lease, but the question
 presents little, if any, practical
 difficulty. The object in view
 can be secured by the issue of orders
 in the L & M Department, as oc-
 casion arises

2. The District Board is empowered to secure, if necessary,
 the execution of the provisions of the Act by issuing the necessary
 orders in the District.

Read Cus. 1175 of 97

Order inise

The draft form of the
 lease will again be returned
 to the Govt. Solicitor for further
 revision with reference to G.O.
 No 102 and 111 of 16th and 19th
 Feb. 1897.

2. As regards the re-
 marks contained in para 2 of
 the letter read above, the Govt.
 agrees with the Govt. Solicitor
 in considering that it "must
 contract to pay the compensation
 as settled by the Collector and
 recover it from the neighbouring
 lessee or the local Fund Board
 as the case may be." The re-
 payment of such compensation
 by the local Fund Board must
 be secured not by any condition
 in the lease but by executive
 orders in accordance with the
 provisions of Secs 36(d), 39, 45
 46 and 153 of the Local Boards
 Act of 1884. The Collector of
 Coimbatore will be instructed to
 take the necessary action in
 the

the matter accordingly. The addition made in the lease in regard to the payment of compensation by the lessees themselves when necessary is approved.

18.12.97

To the Govt. Solicitor with lease
retd (Q & O)

The Collector of Coimbatore (A & O
but not lease)

Copy to the L & M Dept with copies
of G.O. 495 18.9.96 & 694 4.9 Dec 1896 302 10.1.97
(A & O but not lease)

Copy to the Board of Res. & Land Res.
(A & O but not lease)

Note

The delay in the submission of the paper was due to the fact that the connected papers were in circⁿ and in the Press and a copy of G.O. 102 16.2.97 was received only yesterday. G.O. 111 19.2.97 was classified & other trees which are to be entered in the Schedule attached to the lease is still in the Press, and the Res. has been instructed to expedite the printing of all the Anamalai papers. The form of the lease as 18.12.97 it stands has been carefully checked and found to be framed drawn up in accordance with the orders of Sept & Dec 1896.

C. No: 1175.

Roads on the Anamalais

Amto N Gose Cte
Amto N Bliss Cte

Let L & M. Dept.

Please see separate
note 18.12.97

* This respectfully submitted that it was the order rather than G.O. 302 of 18.12.97 which burdened the Local Board with responsibilities.

G. O. No. 302 Rev. dated 18th January 1897 and the draft order on Current 1175 of 1897 are resubmitted for orders in the light of the following remarks.

Under clause (xii) of para. 8 of G.O. No. 495 Rev. dated 28th September 1896 Govt. is entitled to resume "any portion" of the leased land required for public "purposes" on payment of compensation at the rates specified in that clause. Para. 3 of the same order lays down that the construction and maintenance of the necessary branch roads for the use of the public will devolve on the Local Boards.

Any land which may be taken up for the purpose of constructing such branch roads falls, it is submitted, under the category of land required for public purposes and this being so is resumable by Govt. on payment of compensation in accordance with the clause

R.C. 30/3/97.
R 30/3/97

to which reference has just been made.

Para. 2 of G. O. No. 302 Rev. dated

therefore
18th January 1897 appears to call for

revision and there seems no necessity

to make any specific mention in the

case of compensation payable in the

particular case of land taken up for

the construction of Local Fund roads.

Under clause (xii) Govt. is liable to

pay the requisite compensation and

will presumably not take steps to re-

sume the land unless the Local Board

gives an undertaking to reimburse

the compensation paid on account of it.

D
24/3/97

Govt in these orders is setting the
terms of a lease between the

Niamalai Plunder & itself - to

which the Lt. H. is no party.

It can not I think bind the Lt. H.

in any way in this transaction.

It may intimate to the lessee that

it will use its power only in a

particular way & it is so I

understand G.O. No. 302 has done

but he has it in power any

It should be revised
25
AW

30/3/97
AW
30/3/97

responsibility. I think on the
Lt. H. is no party. The land can be
taken up at any time by either
H. or in any way in this transaction
under the Act or under the
lease but it must be by
Govt. I suppose this matter not to
depend the non-circulation of the G.O.
to the Lt. H. Dept. which was an oversight
perhaps but because the matter
underlies the functions raised in the
G.O. as it seems to be. (14/3/97)

To Rev. Sept.

See
1/1/97
D. 2/5/97

14/4/97

The lease is no doubt between
Govt. & the lessee. But the
point is that Govt. should
protect the Local Board
from paying for land taken
up for roads more
than is stipulated in
art (xii) of para. 8 of G.O.
28/9
2/10/96 with 495 Rev.

So long as that Govt. stood
the Local Board was, I think
sufficiently protected, for the
land for roads would be taken up
by Govt. for a public purpose,
& the article (xii), which I have
just referred to, would apply.

But in G.O. 18/1/97 No
302 Rev. para. 2, the Rev.
Dept. seemed to have de-
parted from that principle
for it intimated to the Govt.
that it should be provided
in the lease that the exercise
of the power of the Local Board
to take up land for roads
should be subject to the payment
of such compensation as the
"Govt may consider to be

2nd
"equitably due from the Board
to the lessee."

An "equitable" payment
is not at all necessarily the
same as a payment regulated
by act (xii).

Hence my objection.

So long as the liability of
the Board is, under the wing
of Govt, limited to by act (xii)
this Dept. will be satisfied,
a such
limitation is made clear,
this Dept. will be satisfied.

J. F. 26/3/97

To Rev. Dpl. no.

See 1st p. 20.

This is exactly what my note
of the 24th inst. was intended to
advocate.

26. 3/97

V.E.
Cib 220
1-11-97

From Council minutes

For orders as to
whenever the C.O.
Shd be printed

pm
7. IV. 97

See 1st
to p. 20

Yes
Issued
J.F.

1. 11. 97

EV. dated 18th Janu-

5 of 1897.

48

27th April 1897.

It form of lease will
d to the Govt. Solicitor
sion with reference to
111 dated 16th and 19th
ively. With reference
s letter, the Govt. Soli
formed that on reconsi-
vt. is of opinion that
d contain no reference
y of the Local Board
tion for land taken up
ction and maintenance
The resumption of lan

"equitably due for
to the lessee".

An "equitable
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same as a payment
by Act (xii).

Hence my.

So long as the
the Board is, under
of Govt, limited to
this Dept will be
limitation is made
this Dept will be

J. F. 26/37

To Rev. Dpl. no.

! my not
was to

*Printed - Secy
G. O. 302 REV. dated 18th Janu-
ary 1897 and
Current 1175 of 1897.*

*Secy
L. M. Dept
for favour of Government
S. P. 1/4*

READ--

G. O. 302 REV. dated 18th Janu-
ary 1897 and

Current 1175 of 1897.

ORDER:- *N. 220 of 17th April 1897.*

The draft form of lease will
again be returned to the Govt. Solicitor
for further revision with reference to
G. O.'s ¹⁰² and 111 dated 16th and 19th
February, respectively. With reference
to para. 2 of his letter, the Govt. Soli-
citor will be informed that on reconsi-
deration the Govt. 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. The resumption of lan-

for these purposes will presumably be
covered by the condition corresponding
to clause xii of para. 8 of G. O. ^{ho 495}~~409~~
Rev. dated 28th September 1896. ^{They} It must
be taken up by Govt. which will be
liable to pay compensation at the ~~rate~~
rates specified. The question of the
recovery of payment, so made from the
Local Board will be settled by the
issue of orders in the Local & Municipi-
pal Department from time to time as
occasion arises.

To
The Government Solicitor,
The Local & Municipal Department.

Handwritten notes:
f.s. 11/4/97
13.31.2.87
8/1/97
40/3
Dated 23-4-97

Government (1897) of Madras.
REVENUE.

Recd.

Enclosures

1897.

Regd.

Spare copies

G.O., No. 230, 1st April 1897.

APRIL.

Lease.

Returning, with remarks, to the Government Solicitor for further revision the draft form
of — for lands to be granted for coffee cultivation on the Anamalais in the Coimbatore district.

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES
REQUIRED.

Order complete.
Letter only.
Order complete with Letter.

READ AGAIN G.O. No. .
189 .

DATED.

URGENT No. .

CLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH QUOTE

PAPERS NOT FILED BY BEING AGENT FOR DISPATCH
IN ORIGINAL.

A.P.

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.