

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 302

DATED 18. Jan'y 1897.

[Despatch Abstract.]

Returning to the Joint Solicitor for further revision the
draft form of the lease of forest lands on the Arnamalai

BACK PAPERS.

Revenue (189 /) Department.

CURRENT No. 1175.

FURTHER PAPERS.

From The Govt. Solicitor,
Madras.

Order

No. 71

Dated 4-2-97

Received 8-2-97

Registered 8-2-97

Enclosures one

Spare copies

SUBJECT.

Forwarding a fresh fair draft
of lease of lands on the
Annamalai Hills.

535
4/1/97

BACK-PAPERS.

G.O.	No.	Department.	Date.

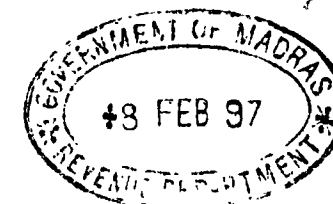
FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 77

Madras, 4th February 1897.

despatched 6.2.97



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 Mis. No. 302 dated 18th ultimo I forward herewith a fresh fair draft of lease of lands on the Annamalai Hills, amended in accordance with that order and with G O No. 694 Revenue dated 4th December 1896.

2. The lease is between the Secretary of State for India in Council (i.e the Government) and the Lessee and it is not therefore very clear how either the Lessee of neighbouring land or the Local Fund Board can be made liable to pay the Lessee named in the lease compensation for constructing branch roads through the land demised, as neither such neighbouring Lessee nor the Local Fund Board is a party to the lease. Government 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, but how the repayment by the Local Fund Board of such compensation is to be secured to Government. I must admit that I do not see. In the case of neighbouring Lessee, I have arranged this by making the Lessee to whom the lease is granted liable to pay such compensation as may be fixed by the Collector for any branch roads constructed by the Lessee -

through his neighbour's lands

I have the honor to be,

Sir,

Your Obedient servant,

Ernest Barclay

Government Solicitor.

Amannalai Leases
The Hon. Mr. Justice C. J. J.

Reas. Cus. 9238 of 96

210.

Order in case No. 302 of 18th Jan'y 1896

*The draft form of
the lease will be returned to
the Govt. Solicitor for revision
with reference to G.O. No. 694
of 4th Decr. 1896*

*2. In para 13 of that
order, the Govt. has already
remarked that the question
whether any, and if so what,
compensation should be given
on account of the construction
by one lessee of a private branch
road passing through the lands
of another lessee should be left
for its own decision as each
individual case arises. The same
principle should be observed in
dealing with the case of lands
required for roads the construction
of branch roads by the ^{Local} District
Boards. While, therefore, it is
necessary that sufficient land
should be excepted from the
lease for the construction of any
branch road which the Local
Board may consider necessary*

and

JG
16/1/97

and that ^{the} such Board should be empowered to ~~order~~ enter upon the demised land, at any time, to construct ^{or maintain} ~~the required~~ road. ~~on roads~~, it should be provided that the exercise of this power by the Local Board ~~should be~~ ^{is} subject to the payment ^{of it} of such compensation as the Govt may consider to be equitably due from ^{the} such Board to the lessee.

Do
11-1-97 *Hy 1157.*

To
The Govt Solicitor
with lease
in his orders
BMM
11-1-97
11-21-1-97

When given for copying _____
When copied _____
When examined _____
When signed _____ } 139.

HAD AGAIN G.O., No. 189. DATE:

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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

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