

Government of Madras

HOME DEPARTMENT (EDUCATION)

G.O. No. 1304, 2nd October 1918

Ancient Monuments Preservation Act

Directing the publication of a notification proposing to declare the Roman Catholic Portuguese Church at Porto Novo 'protected' under the— and approving a draft agreement under section 5 of the Act for the preservation of the monument.

INDEXED

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Directing the publication of a notification proposing to declare the Roman Catholic Portuguese Church at Porto Novo 'protected' under the — and approving a draft agreement under section 5 of the Act for the preservation of the monument.

READ—the following papers :—

I

G.O. No. 1011, Home (Education), dated 3rd August 1918.

ABSTRACT.—Directing that the ruins of the Roman Catholic Portuguese Church at Porto Novo should be declared 'protected' under the Ancient Monuments Preservation Act and calling on the Collector of South Arcot to submit the necessary draft agreement and notification.

II

Letter—from H. H. BURKITT, Esq., I.C.S., Acting Collector of South Arcot.
To—the Secretary to Government, Home (Education) Department.
Dated—Cuddalore, the 12th September 1918.
No.—R.O.C. 1195-B. & G.

In reply to paragraph 2 of G.O. No. 1011, dated 3rd August 1918, I have the honour to submit herewith for favour of publication in the *Fort St. George Gazette*

a draft notification * declaring the ruins of the Roman Catholic Portuguese

Church at Porto Novo as a protected monument under section 3 (1) of the Ancient Monuments Preservation Act of 1904.

2. As regards the agreement required under section 5 of the Act, I am addressing the local Government Pleader on the subject, and shall submit a draft agreement for approval of Government as early as possible.

III

Letter—from H. H. BURKITT, Esq., I.C.S., Collector of South Arcot.
To—the Secretary to Government, Home (Education) Department.
Dated—Cuddalore, the 19th September 1918.
No.—D. Dis. 2756-Cor.

In continuation of my letter R.O.C. No. 1195-B. & G., dated the 12th September 1918, I have the honour to submit herewith for favour of approval the draft agreement referred to in paragraph 2 of G.O. No. 1011, dated the 3rd August 1918, drawn up in consultation with the local Government Pleader and to say that condition (i) of the two conditions imposed by the Reverend Father P. Verdure in his letter, dated the 28th May 1918, submitted in original with this office letter D. Dis. No. 1589-Cor., dated the 2nd June 1918, has been added to condition (4) of the draft agreement while condition (ii) of the Reverend Father has not been so inserted, because the Government Pleader is of opinion, in which I concur, that such a condition will be superfluous as the protected monument will be under the immediate control of the trustee subject only to the conditions specified in the agreement.

Order—No. 1304, Home (Education), dated 2nd October 1918.

The following notification will be published in the *Fort St. George Gazette* and in the *South Arcot District Gazette* :—

NOTIFICATION

The following draft of a notification which it is proposed to issue in exercise of the powers conferred on the Governor in Council by section 3, sub-section (1) of the Ancient Monuments Preservation Act, 1904 (Act VII of 1904), is published for the information of persons likely to

be affected thereby, and notice is hereby given that the draft will be taken into consideration after the expiry of one month from the date on which a copy of this notification is fixed up in a conspicuous place on or near the place mentioned in the annexed schedule.

2. Any objections to the issue of the notification which may be received by the Government of Madras within the one month mentioned above will be considered.

Draft notification.

Under section 3, sub-section (1) of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Governor in Council declares the ruins of the Roman Catholic Portuguese Church at Porto Novo in the Chidambaram taluk of the South Arcot district, and described in the annexed schedule to be a protected monument within the meaning of the said Act.

SCHEDULE

Name of district, taluk and village.—South Arcot district, Chidambaram taluk, Porto Novo village.

Description, wet or dry, with survey or paimash number.—Poramboke, Revenue Survey No. 1-A/97, Union Survey No. 580.

Name of the owner.—Archbishop of Pondicherry.

Boundaries.—North—Revenue Survey Nos. 1-A/92, 1-A/93, 1-A/94 and Union Survey Nos. 581, 582/1, 582/2 and 583/5, East—Revenue Survey No. 656 and Union Survey No. 574, South—Revenue Survey Nos. 102 and 100, Union Survey Nos. 587/20 and 579, West—Revenue Survey Nos. 98, 96 and 95, Union Survey Nos. 583/2, 583/3 and 583/4.

Extent.—2 67 acres.

2. The Collector of South Arcot is requested to report the date on which a copy of the notification is fixed on or near the monument.

3. The draft agreement under section 5 of the Act for the preservation of the monument, submitted with the second of the Collector's letters read above, is approved and annexed to these proceedings.

(True extract)

R. RAMACHANDRA RAO,
Secretary to Government.

To the Collector of South Arcot.

Copy to the Superintendent, Archaeological Survey.
" Assistant Archaeological Superintendent for Epigraphy.
" Public Works Department.
" Superintendent, Government Press (for publication of notification in Gazette).

[Annexure.]

ANNEXURE.

Draft agreement.

Agreement made the day of 191 between Archbishop E. J. Morel, Pondicherry, the trustee for the time being of the ruined Roman Catholic Portuguese church in the village of Porto Novo in Chidambaram taluk of South Arcot district, hereinafter referred to as "the trustee" which expression, where the context admits, shall be deemed to include the trustee for the time being of the said Roman Catholic Portuguese church, and his assigns of the one part and the Right Honourable the Secretary of State for India in Council hereinafter referred to as "the said Secretary of State" which expression, where the context admits, shall be deemed to include his successors in office for the time being of the other part.

Whereas under section 3 of the Ancient Monuments Preservation Act, 1904 (Act VII of 1904), the ruined Roman Catholic Portuguese church specifically described in the schedule annexed hereto, and hereinafter referred to as "the protected monument" has been declared by the Government of Madras to be a protected monument under the said Act.

And whereas with a view to preserve the protected monument in its present condition the Collector of South Arcot with the previous sanction of the Madras Government conveyed in G.O. No. 1011, Home (Education) Department, dated the 3rd August 1918, proposed to the trustee that he should enter into an agreement with the said Secretary of State for the preservation of the protected monument and the said trustee has accepted the proposal.

And whereas the terms of the said agreement so proposed and accepted are embodied in these presents.

And whereas these presents by G.O. No. 1304 Home (Education) Department, dated 2nd Oct. 1918 have been approved by the Government of Madras.

Now these presents witness that it is hereby mutually agreed by the trustee and the said Secretary of State as follows:—

(1) That the said Secretary of State shall have the right to maintain the protected monument in proper condition and repair and to take any measures necessary for that purpose.

(2) That the protected monument shall be under the immediate control of the trustee.

(3) (a) That the trustee shall not either himself or through his agents or lessees or tenants destroy, remove, alter or deface the protected monument or any part thereof.

(b) And in particular, in addition and without prejudice to the foregoing conditions that the trustee shall not without the previous consent in writing of the Collector of the district construct or give permission to construct huts or other buildings on the site within the walls of the protected monument and shall not without such consent cultivate the said site or any part thereof.

(4) That the trustee shall render such facilities to the public or any portion of the public to have access to the protected monument and at such times and in such manner as the Collector of South Arcot for the time being shall appoint, subject to the condition that in the event of the protected monument being used for any religious purpose at any future time, none but Roman Catholic Christians shall be permitted to make use of it for such purpose.

(5) That the trustee shall render all facilities of access to the protected monument to the Archaeological Department and such other persons deputed by the Collector of South Arcot for the time being to inspect or maintain the protected monument.

(6) That the said Secretary of State shall pay all expenses which may be incurred in connexion with the preservation and repair of the protected monument.

(7) That in respect of the whole or any part of such expenses the said Secretary of State shall have a charge on the protected monument and on the sale-proceeds thereof in case of its sale to be realized only when the trustee effects a sale.

(8) That before offering the protected monument for sale either by public auction or private treaty, the trustee shall give to the Government of Madras six months' previous notice in writing of their intention to do so.

(9) That the Secretary of State shall have the right to purchase the protected monument or such part of it as the said Secretary of State shall deem fit at its market value.

In witness whereof the said Archbishop E. J. Morel, Pondicherry, and the Collector of South Arcot on behalf of the Secretary of State for India in Council have hereunto set their respective hands.

The schedule above referred to.

Name of the district, taluk and village.	Description wet or dry with survey or paimash number.	Name of the owner.	Boundaries.				Extent.
			North.	East.	South.	West.	
South Arcot district, Chidambaram taluk, Porto Novo village.	Poramboke, Revenue S. No. 1/A-97 and Union S. No. 580.	of Archbishop Canterbury.	Revenue S. Nos. 1/A-92, 1/A-93, 1/A-93, 1/A-94 and Union S. Nos. 581, 582/1, 582/2 and 583/5.	Revenue S. No. 656 and Union S. No. 574.	Revenue S. Nos. 102, 100 and Union S. Nos. 587/20, 579.	Revenue S. Nos. 98, 96, 95 and Union S. Nos. 583/2, 583/3, 583/4.	ACS. 9.67

Directing the publication of a notice proposing to declare the Roman Catholic Portuguese Church at Porto Novo 'protected' under the — and approving a draft agreement under Sec. 5 of the Act, for the preservation of the same.

READ AGAIN G.O. No. 1011 dated 3. 8. 1918

(Ed. 3)

191

READ ALSO:

C. No. 1944/ From the Coll. of S. Arcot, No. 1195 dated 12. 8. 1918

18.

" " 1987/B " " D. No. 2756/18 18. 9. 1918

ORDER.

No. 1307, dated 10. 10. 1918

The following notification will be published in the Fort St. George Gazette and in the South Arcot Dist. Gazette.

Notif. 4

The following draft of a notice, which it is proposed to issue in exercise of the powers conferred on the Government in accordance with Section 3, Sub-section (1) of the Ancient Monuments Preservation Act, 1904 (Act VII of 1904), is published for the general information of persons likely to be affected thereby.

notice is hereby given that the draft will be taken into consideration after the expiry of 1 month from the date on which a copy of this notice is fixed up in a conspicuous place in or near the place mentioned in the annexed schedule.

2 Any objections to the issue of the notice which may be received by the Govt. of Madras within one month mentioned above will be considered.

Draft notification.

under section 3, sub-section (1) of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Government in Council declares the Ruins of the Roman Catholic Portuguese church at Porto Novo in the Ichidambalam Taluk of the South Arcot Dist. and described in the annexed schedule to be a protected monument within the meaning of the said Act.

Schedule.

Name of Dist., Taluk & Village.	South Arcot Dist., Ichidambalam Taluk, Porto Novo village.
Description, with or without survey or fair map number.	Porto Novo, Rev. Survey No. 1A/97 union Survey No. 58.
Name of the owner.	Archbishop of Pondicherry.
Boundaries.	North:- Rev. S. Nos. 1A/92, 1A/93, 1A/94 + revision S. Nos. 581, 584, 582/2 and 583/5. East:- Rev. S. No. 656 + revision S. No. 574 South:- Rev. S. Nos. 102 & 100, union S. Nos. 587/20 & 579. West:- Rev. S. Nos. 98, 96 & 95, union S. Nos. 583/2, 583/3, 582/4.
Extent.	2.67 ares.

1 The Coll. of South Arcot is requested to report the date on which a copy of the notification is fixed on or near the monument.

2 The draft agreement under section 5 of the Act for the preservation of the monument, submitted with the second of the Collector's letters read above, is approved and annexed to these Proceedings.

To the Coll. of S. Arcot
Copy to the Supdt., Arch. Survey
A. N. S. for Epigraphy
P. W. J.
S. G. P. (for publication of notice in Gazette)
Gazetted 22.10.18
Coll. to be forwarded one month after issue of G.O.

with refer. to para 2
noted in B
7.11.18

25.9.18
26/9/18
2/10/18
Annexure [A & B] agree-
ment and schedule at pp 6-9.

Note:-

(i) The notice Subd. by Coll. is not in proper form. A revised notice on the model of the one in G.O. No. 816 dated 18th June 1917 has been-

for lease prepared.

In regard to the draft agreement,
Rev. Father Vardane mentioned the following conditions in his letter of the 28th May 1918:-

p. 11 of G.O. 1011 & Co. 3.8.18

- (a) that, if at any future time, the monument, graveyard and lands in question are used for religious purposes, only Roman Catholics will be allowed to use them;
- and (b) that the Roman Catholic Priest and his faithful will have free access to the monument, graveyard and land in question when on certain festival occasions it may be necessary for them to visit the same for religious observances.

3 Condition (a) above has been incorporated in the draft agreement now before Govt: (Vide portion 'k' in clause (4) of the draft at p. 7, c. f). Condition (b) supra is considered to be superfluous by the Govt: pleader and has not therefore been inserted: it is really so.

p. 5, c. f.

3 Draft is for app.:

25.9.18

26.9.18

GA

30.9.18

cf. Paper II on p. 34 of pamphlet at 9

6

DRAFT AGREEMENT.

Print as annexure to G.O.

Agreement made the _____ day of _____ 191 between Archbishop E.J. Morel, Pondicherry, the trustee for the time being of the ruined Roman Catholic Portuguese Church in the village of Porto Novo in Chidambaram taluk of South Arcot District, hereinafter referred to as "the trustee" which expression, where the context admits, shall be deemed to include the trustee for the time being of the said Roman Catholic Portuguese Church, and his assigns of the one part and the Right Honourable the Secretary of State for India in Council hereinafter referred to as "the said Secretary of State" which expression, where the context admits, shall be deemed to include his successors in office for the time being of the other parts.

Whereas under section 3 of the Ancient Monuments Preservation Act 1904 (Act VII of 1904) the ruined Roman Catholic Portuguese Church specifically described in the schedule annexed hereto, and hereinafter referred to as "the protected monument" has been declared by the Government of Madras to be a protected monument under the said Act.

And whereas with a view to preserve the protected monument in its present condition the Collector of South Arcot with the previous sanction of the Madras Government conveyed in G.O.No.1011-Home (Education) Department dated the 3rd August 1918, proposed to the trustee that he should enter into an agreement with the said Secretary of State for the preservation of the protected monument and the said trustee has accepted the proposal.

And whereas the terms of the said agreement so proposed and accepted are embodied in these presents.

And whereas these presents by G.O.No. _____ dated _____ have been approved by the Government of Madras.

Now

1. To be filled in by the said date of the process of the court.

7
Now these presents witness that it is hereby mutually agreed by the trustee and the said Secretary of State as follows:--

(1) That the said Secretary of State shall have the right to maintain the protected monument in proper condition and repair and to take any measures necessary for that purpose.

(2) That the protected monument shall be under the immediate control of the trustee.

(3) (a) That the trustee shall not either himself or through his agents or lessees or tenants destroy, remove, alter or deface the protected monument or any part thereof.

(b) And in particular, in addition and without prejudice to the foregoing conditions that the trustee shall not without the previous consent in writing of the Collector of the District construct or give permission to construct huts or other buildings on the site within the walls of the protected monument and shall not without such consent cultivate the said site or any part thereof.

4 (4) That the trustee shall render such facilities to the public or any portion of the public to have access to the protected monument and at such times and in such manner as the Collector of South Arcot for the time being shall appoint, subject to the condition that in the event of the protected monument being used for any religious purpose at any future time, none but Roman Catholic Christians shall be permitted to make use of it for such purpose.

(5) That the trustee shall render all facilities of access to the protected monument to the Archaeological Department and such other persons deputed by the Collector of South Arcot for the time being to inspect or maintain the protected monument.

(6) That the said Secretary of State shall pay all expenses which may be incurred in connection with the preservation and repair of the protected monument.

-2- 8
(7) That in respect of the whole or any part of such expenses the said Secretary of State shall have a charge on the protected monument and on the sale-proceeds thereof in case of its sale to be realised only when the trustee effects a sale.

(8) That before offering the protected monument for sale either by public auction or private treaty, the trustee shall give to the Government of Madras six months' previous notice in writing of their intention to do so.

(9) That the said Secretary of State shall have the right to purchase the protected monument or such part of it as the said Secretary of State shall deem fit at its market value.

In witness whereof the said Archbishop E.J. Morel, Pondicherry, and the Collector of South Arcot on behalf of the Secretary of State for India in Council have hereunto set their respective hands.

The Schedule above
refers to

P. F. O.

Draft Notification

96
X

In exercise of the powers conferred on him by Section 3 (i) of the Ancient Monuments Preservation Act 1904 (VII of 1904) the Governor in Council declares the Ruins of the Roman Catholic Portuguese Church at Porto Novo, mentioned in the following schedule, to be a protected monument within the meaning of the said Act.

Schedule.

Name of the district, taluk and village	Description, wet or dry, with Survey or Paimash number	Name of the owner	Boundaries				Extent
			North	East	South	West	
South Arcot District Chidambaram taluk Porto Novo village			Rev. Union S. No. 14/92 581	Rev. Union S. No. 656 574	Rev. Union S. No. 102 587 20 579	Rev. Union S. No. 98 583/2 96 583/3 95 583/4	acres 2.67
Poramboke Rev. S. No. 1 A/97 Union S. No. 580		Archbishop of Pondicherry	" 93 582 1 " 93 582 2 " 94 583 5				

RECEIVED
13 SEP 1914

for Collector

13-9-14 to 13/9/14

[Faint, mostly illegible handwritten notes and tables on the left page, possibly related to land survey or administrative records.]

The Schedule also referred to

Name of the district, Taluk and Village	Description with survey or paimash N.	Name of the owner	Boundaries				Exhibit
			North	East	South	West	
South Arcot District.	Poramboke	Archbishop of	Rev. Union S.No. 1/92 581	Rev. Union S.No. 656 574	Rev. Union S.No. 102 587/20	Rev. Union S.No. 98 583/2	Acres. 2.67.
Chidambaram Taluk.	Rev. S. Union No. 1/94 580	Canterbury	282 582 2 583 5		100 579	96 583/3	
Porto N'ovo village.						95 583/4	

[Handwritten notes and signatures at the bottom right of the page, including a date "20.9.18" and a signature.]

ORDINARY.

PRESS SLIP.

PREFERENCE.

URGENT (a).

DEPARTMENT.

Current No dated 191

G.O. No. 1304, dated 2.10.1918.

Number of MS. pages sent

(b)
(b¹)
Correspondence 12 (Twelve)
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(b¹) For rules regarding printing of notes, see rule 315 of the office Manual.

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Brief subject.....

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