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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Finance DEPARTMENT.

G.O. No. 1395 Press -Mis.

Dated 11-10- 1872.

140-142 89

Not to be folded or roughly handled

17/1/40

Proceedings of the Madras Government, Financial Department,
11th October 1872.

Read the following papers :—

No. 140. From Colonel A. RITHERDON, Officiating President of the Municipal Commission, Madras, to the Chief Secretary to Government, Fort St. George, dated Madras, 4th September 1872, S. No. 1377 :—

I have the honour to acknowledge receipt of G. O., No. 1032, dated 3rd August 1872, in which I am called on to report "the grounds on which it is proposed that the cost of the dust-bins to be placed along the Ordnance Lines should be borne by Government," and, in reply thereto, to state that, though there is no section of the Municipal Act which has a direct application to the question raised, yet by implication it is apparent that the legislature did not contemplate imposing on the Commissioners the conservancy of such blocks of buildings as the lines in question, which are packed on a small area for State reasons, and are built on Government lands, which, so far as the Municipality is concerned, may be viewed in the same light as private property.

2. By Section 122, "In any street (not being a public street)," I can call upon the owners of the land or buildings "to level, metal, * * channel and drain the same." All these works have been done at the expense of Government in the lines in question, thereby in effect acknowledging the liability of Government to be called on to do so. And, again, by Section 121, I am empowered in the case of "any existing block of buildings * * crowded together, * * (with the sanction of Government) to cause a notice * * requiring the owners of the land on which such buildings are erected, * * to execute such operations" as to facilitate the cleansing of the same.

3. The supply of dust-bins, I think, comes under this head, and I respectfully submit that Government having "levelled, metalled, channelled, and drained" the buildings in question, they should also supply conveniences for collecting the refuse.

4. In the letter of the Deputy Inspector-General of Ordnance and Magazines, No. 113, dated 18th July 1872, to Government, at paragraph 3 it is stated "that the road which passes along the Ordnance Lines is a public thoroughfare;" I am afraid that there is some misapprehension on this subject. The road fronting the lines is fenced the whole length and protected with gates; and, to remove all doubts as to its purpose, signboards with "No thoroughfare" in several languages are posted at the entrances.

5. Colonel Goddard, the Executive Engineer of the Presidency Range, has informed me that he does all necessary works for these lines on the requisition of the proper authority; and it is possible that, had the application for dust-bins been made to him, instead of the Municipality, the work would have been done without any reference to Government.

Referred to the Inspector-General of Ordnance and Magazines for any remarks he may desire to offer.

OOTACAMUND,
11th September 1872.

(Signed) W. HUDLESTON,
Secretary to Government.

Ordnance Department

ORDNANCE OFFICE,
Fort Saint George
19th Sept. 1872.

No. 4/194.

From,

Colonel R. Cadell. R.A.
Offg: Dy Inspector General of Ordnance and Magazines.
In Charge of the Ordnance Office.

To The Chief Secretary to Government.

Sir,

In obedience to your docket dated 11th Instant, I have the honor to make for the information of Government, the following remarks on letter [a] herewith returned from the President Municipal Commission Madras.

2. — The original correspondence regarding the provision of Dust Bins and other Sanitary necessities connected with the Quarters in the Ordnance Lines occurred in September 1868, and the result of that correspondence between the Commissary of Ordnance and President Municipal Commission of the period was that [b] "the Conservancy Carts should visit the roadside of the Ordnance Lines at 7 A.M. daily to remove the Sweepings" and that [c] "the Sanitary Inspector will as a temporary measure put some moveable dust boxes in rear of these quarters." The Commissary had previously declined being the Medium of an application to Government for payment of these Boxes or

(a) No 1377 dated 4th Septr 1872.

(b) Extract from letter No 308 dated 22nd Septr 1868.

(c) Resolution of Municipal Commission dated 12th Octr 1868.

Referred to the Inspector General of Ordnance & Magazines for any remarks he may desire to offer.

Secretary to Govt

Attachment 11th Sept 1872 & 3.

To the Inspector General of Ordnance & Magazines — with GO No 1032. 13.9.72.

Recd 18 Sept 1872

No 1377

From the Chief Secretary to Government.

Dated 11th Septr 1872

Received 17th —

Submits a letter from the Offg Dy Inspr General of Ordnance & Magazines No 194 dated 19th Septr 1872 with enclosures on the subject of the provision of Dust Bins &c in the Ordnance Lines.

To the Chief Secretary to Government

Fort St George

Sir,

I have the honor to return herewith the letter from the Offg Dy Inspr General of Ordnance & Magazines No 194 dated 19th Septr 1872 with enclosures on the subject of the provision of Dust Bins &c in the Ordnance Lines.

I have the honor to be
Sir
Your most obedient Servant
P. Wilcocks
Inspr General of Ordnance & Magazines

Fort St George
23rd Sept 1872

No. 141. From the Officiating Deputy Inspector-General of Ordnance and Magazines, in charge of the Ordnance Office, to the Chief Secretary to Government, Fort St. George, dated Fort St. George, 19th September 1872, No. 194-G.

Ordnance Department

In obedience to your docket, dated 11th instant, I have the honour to make, for the information of Government, the following remarks on letter* herewith returned from the President, Municipal Commission, Madras.

* No. 1377, dated 4th September 1872.

2. The original correspondence regarding the provision of dust-bins and other sanitary necessities connected with the quarters in the Ordnance Lines occurred in September 1868, and the result of that correspondence between the Commissary of Ordnance and President, Municipal Commission of the period, was that† "the conservancy carts should visit the roadside of the Ordnance Lines at 7 A.M., daily, to remove the sweepings," and that‡ the Sanitary Inspector "will, as a temporary measure, put some moveable dust-boxes in rear of these quarters." The Commissary had previously declined being the medium of an application to Government for payment of these boxes or bins, and the Municipal Commissioners, for some reason unknown to me, had not, although suggested by the Commissary at that time, deemed it advisable to become themselves the medium. So many changes have occurred since in the personnel of the department that I cannot find when the Municipal Commissioners removed these moveable bins, and ceased to make other necessary sanitary arrangements. No notice, however, of these unfortunate actions on their part was communicated to this department.

† Extract from letter, No. 308, dated 22nd September 1868.

‡ Resolution of Municipal Commission, dated 12th October 1868.

3. The President, in his letter under remark, admits that "no section of the Municipal Act has a direct application" to Government paying for a provision of dust-bins, and I fail to see, from a perusal of the Act, that "it is apparent, by implication, that the legislature did not contemplate imposing on the Commissioners" this and other necessary conservancy arrangements. The contrary is impressed on me, as the Commissioners were by the Act authorized to, and did, charge assessment for the very buildings in question, and were, in my opinion, bound, morally and by law, to see that the health of the inhabitants was not endangered by the absence of the ordinary necessities for cleanliness. And I fail to see the force of Colonel Ritherdon's argument that the Commissioners are relieved from these duties because the buildings are "in a small area." This fact is, in my opinion, an additional reason why the Municipal Commissioners should have promptly and continuously supplied the necessary bins, &c., because, from the alleged compactness of the lines, all the demands of ordinary sanitation could be carried out with comparative economy.

4. In his 2nd paragraph, the Municipal Commissioner quotes from Section 122 of Municipal Act, but his quotation is not, in my opinion, relevant to the case, because it refers to "any street not being a public street," whereas the Ordnance Lines actually constitute one side of a public street. To form one side of a street it is not necessary that both sides of the houses of that side should have thoroughfares running by them. A thoroughfare on one side only is a necessary constituent. While it is admitted by me that the east side of the Ordnance Lines has on that front the gardens of the men, and a private road which is "No thoroughfare," as remarked by Colonel Ritherdon, it must be also admitted that their west front or back side faces one of the most public thoroughfares in Madras, and it is on this public thoroughfare that the Municipal Commissioners appropriately placed their dust-bins in 1868, and along this road that their filth carts and scavengers went on collecting the contents. I cannot also see any relevancy in the Municipal Commissioner's quotation from Section 121, because it is founded on the presumption that "a crowded block of buildings" exists, and this description is certainly not in any way applicable to the Ordnance Lines.

5. Neither can I understand the Commissioner's argument that, because Government have gone to expense in "levelling, metalling, channelling, and draining" the quarters of a deserving set of men, they should also do the conservancy duties of the Municipality, for which duties Government actually pay the said Municipality.

6. In his last paragraph the Municipal Commissioner asserts that "it is possible that, had the application for dust-bins been made to Colonel Goddard, the Executive Engineer, instead of to the Municipality, the work (sanitary, it is presumed) would have been done without reference to Government." At the time of the original application I was Commissary of Ordnance, and Colonel Goddard was Executive Engineer. I was assured of the impossibility of such action on the Executive Engineer's part, and Colonel Goddard has again informed me that the impossibility still exists.

No. 142. ORDER THEREON, 11th October 1872, No. 1395.

The Governor in Council is not of opinion that the cost of providing dust-bins for the Ordnance Lines on the esplanade can properly be considered a charge debitable to the Madras Municipality, and accordingly sanctions the charge of Rupees 180 for the purpose as against Government.

(True Extract.)

Acting Under Secy. to Govt.

To the Military Department.
,, Inspector-General of Ordnance and Magazines.
,, President of the Municipal Commission, Madras.

Exd. J. Wright.

Proceedings of the Madras Government, Financial Department,
11th October 1872.

3 K

Govt. of {1872} Madras.

FINANCIAL.

To

THE MILITARY DEPARTMENT,

&c., &c., &c.

Dated October, 11*th*.

Read.

G. O., 11*th October* 1872, *No.* 1395.

OCTOBER.
Nos. 140—142.

Expressing opinion that the cost of providing dust-bins for the Ordnance Lines on the esplanade cannot properly be considered a charge debitable to the Madras Municipality, and accordingly sanctioning the sum of Rupees 180 for the purpose as against Government.

Lett. No. 1377 Munpl. Comrs. Office
Madras 4th September 1872

To

The Chief Secretary to Government
Madras

Sir,

1. I have the honor to acknowledge receipt of Government Order No. 1032 dated 3rd August 1872, in which I am called on to report "the grounds on which it is proposed that the cost of the dust-bins to be placed along the Ordnance Lines should be borne by Government", and in reply thereto to state that though there is no section of the Municipal Act which has a direct application to the question raised, yet by implication it is apparent that the legislature did not contemplate imposing on the Commissioners, the conservancy of such blocks of buildings as the lines in question, which are packed on a small area for state reasons, and are built on government lands, which so far as the Municipality is concerned may be viewed in the

same

came light as private property

2 By section 122, "In any street (not being a public street)" I can call upon the owners of the land or buildings "to level, metal x x channel and drain the same". All these works have been done at the expense of Government in the lines in question thereby in effect acknowledging the liability of Government to be called on to do so. And again, by section 121 12 I am empowered in the case of any existing block of buildings x x crowded together, x x (with the sanction of Government) to cause a notice x x requiring the owners of the land on which such buildings are erected x x to execute such operations" as to facilitate the cleansing of the same.

3. The supply of dust-bins, I think, comes under this head, and I respectfully submit, that Government having "levelled metalled channeled and drained" the buildings in question, they should also supply conveniences for collecting the refuse.

4. In the Letter of the Deputy Inspector General of Ordnance and Magazines, No. 113 dated 18 July 1872, to Government, at para 3, it is stated "that

"that the road which passes along the Ordnance Lines is a public thoroughfare" I am afraid that there is some misapprehension on this subject. The road fronting the lines is fenced the whole length, and protected with gates; and to remove all doubts as to its purpose, signboards with "No thoroughfare", in several languages, are posted at the entrances.

5. Col. Goddard the Executive Engineer of the Presidency Range, has informed me that he does all necessary works for these lines on the requisition of the proper authority, and it is possible that had the application for dust-bins been made to him, instead of the Municipality, the work would have been done without any reference to Government.

I have the honor &c

Your most Obed. Servant

Alex. Rutherfurd

Offg. President

Municipal Commr

went on collecting the contents. I cannot also see any relevancy in the Municipal Commissioners' quotation from Section 121 because it is founded on the presumption that "a crowded block of buildings" exists and this description is certainly not in any way applicable to the Ordnance Lines.

5. — Neither can I understand the Commissioners' argument that because Government have gone to expense in "levelling, metalling, channelling and "draining" the quarters of a deserving set of men they should also do the Conservancy duties of the Municipality for which duties Government actually pay the said Municipality.

6. — In his last paragraph the Municipal Commissioner asserts that "it is possible that had the application for Dust Bins been made to Colonel Goddard the Executive Engineer instead of to the Municipality the work" (Sanitary it is presumed) "would have been done without reference to Government" at the time of the original application, I was Commissary of Ordnance and Colonel Goddard was Executive Engineer. I was assured of the impossibility of such action on the Executive Engineer's part, and Colonel Goddard has again informed me that the impossibility still exists. —

I have the honor to be,
Sir,
Your most Obedient Servant.

R. Lambert Colt R.A.

Esq. &c. &c. &c.

Offg. Dy. Inspector Genl of Ords and Magt. In Charge of the Ordnance Office

Hind (11) No. Dipartment

From
The Offg. Dy. Inspector General
of Ordnance and Magazines
In charge of the Ordnance Office
To
The Chief Secretary to Government

Dated 19th September 1872.
Recd 21st

No. 194 G / No 1847

Remarks on letter from Municipal Commission relative to the grounds on which it is proposed that the cost of the Dust Bins to be placed along the Ordnance Lines should be borne by Government.—

Read Nos 1714 + 1847.
Cotas 11 Oct /72 No 1395.

c 8-10.

Govt. of {1872} Madras.

Financial

To,
The Military Departt.
Fort
"

Dated Octr. 11
Recd. Encl.

G. O. 11th October, 1872, No. 1395.

Nos. 140-142.

Expressing opinion that the cost of providing dust-bins for the Ordnance Limes on the Esplanade cannot properly be considered a charge chargeable to the Madras Municipality accordingly and requesting the sum of Rs. 150 for the purpose

do against Govt.