

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 2017/m

DATED 2nd December 1895.

[Despatch Abstract.]

Prosecution of South Indian Railway Company.

Stating that Government is not prepared to advise the Chairman, Municipal Council, Madura, in the matter of the---for omission to remove all fences adjoining a public road, and that the council must take such action as it deems best.

BACK PAPERS.

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

FURTHER PAPERS.

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

No. 72

Municipal Office

Madras, 31st October 1895

Local Municipal Dept.

R. Fischer Esq.,

Chairman, Municipal Council,
Madras,

The Chief Secretary to Government,

Fort St. George,

Madras.

Through The Collector of
Madras.

Sir,

I am forwarding herewith copies of correspondence which has taken place between myself and the Agent of the South Indian Railway Company, regarding the substitution of wire fencing for the aloe hedge which has been planted within Municipal limits along the line of Railway (vide sketch enclosed). I have the honor to state that as the continuance of this aloe hedge within the town and near the public highway was considered dangerous to the public, inasmuch as it was reported to be a convenient shelter to venomous reptiles, the Agent of South Indian Railway was requested to replace the same by a wire fence.

G.O.

2. This he declined to do until the question of the new road which has been constructed (vide sketch) and which, he says, is an encroachment upon the Company's land, is first disposed of.

3. The claim set up by the Agent, to the land, does not seem to be well founded in the face of G.O. no: 292 R dated the 6th March 1894, handing over to the Municipality narrow strips of land on either side of the Rail-way line, in which the land in question is apparently included. The land itself as will be seen from the sketch, is on the side of the Railway fence.

4. Even if it be otherwise, it has nothing to do with the removal of the aloe hedge which was asked for in the interests of the public; and this was pointed out to the Agent in plain and unmistakable terms, but without any effect. Thereupon the whole correspondence was laid before the Municipal Council, which has resolved to prosecute the Company (vide resolution enclosed)

5. Before, however, taking any action in that direction, I have thought it advisable to refer the matter for the orders of Government.

I have the honor to be,
Sir,

Your most obedient servant,

R. R. R.

Chairman

Extract from the Proceedings of the
Municipal Council, Madras, passed at
the Meeting held on the 10: September 1895

x x x

268. Read letter from the Agent, South
Indian Railway, informing that no action can
be taken in the matter of the substitution of
a wire fence for the existing aloe hedge between
the Railway line and the new road on the south
bank of the Vaigai river, until the question of
the encroachment upon the South Indian Railway
lands has been settled and the Chairman's reply
thereto with connected papers.

Resolved that the Company be prosecuted.

x x x

(Signed) R. Fischer
Chairman

(True copy)

rad

R. Fischer
Chairman

Contract from the Board of the
 Municipal Council of the City of
 the City of New York on the 10th of September 1872

x x x

268. Read letter from the Agent, South
 Union Railway, informing that no action can
 be taken in the State of the indebtedness of
 a mortgage for the existing and large balance
 the Railway line and the sum of \$100,000 on the 1st
 of the 1st of January, 1872, until the question of
 the mortgage is settled upon the South Union Railway
 line has been settled and the balance of the
 debt with interest is paid.

Resolved that the Company be permitted

x x x

(Signed) R. H. Smith,
 Chairman

(Witness)

Witness
 Chairman

21st October

Contract from the Board of the
 Municipal Council of the City of
 the City of New York on the 10th of September 1872

ENCLOSURE NO. /

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895

No.

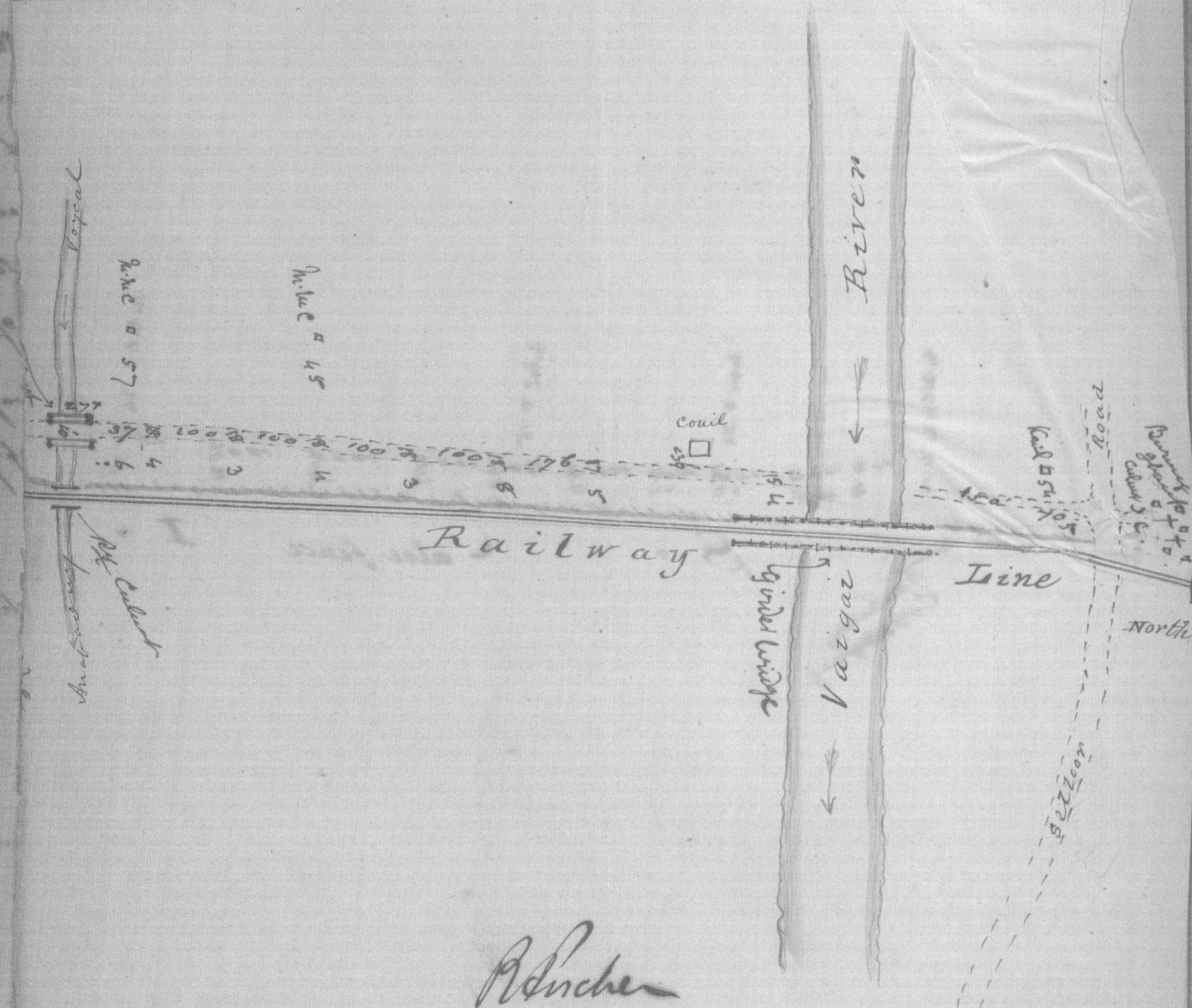
Extract from the Proceedings
of the Municipal Council, re-
solving that the Railway
Company be prosecuted.

1
3544 M. J. S.

ENCLOSURE NO. /

Plan

Way Line
& Aloo fence



Railway

Line

North

P. Linche

Madura
27-10-95

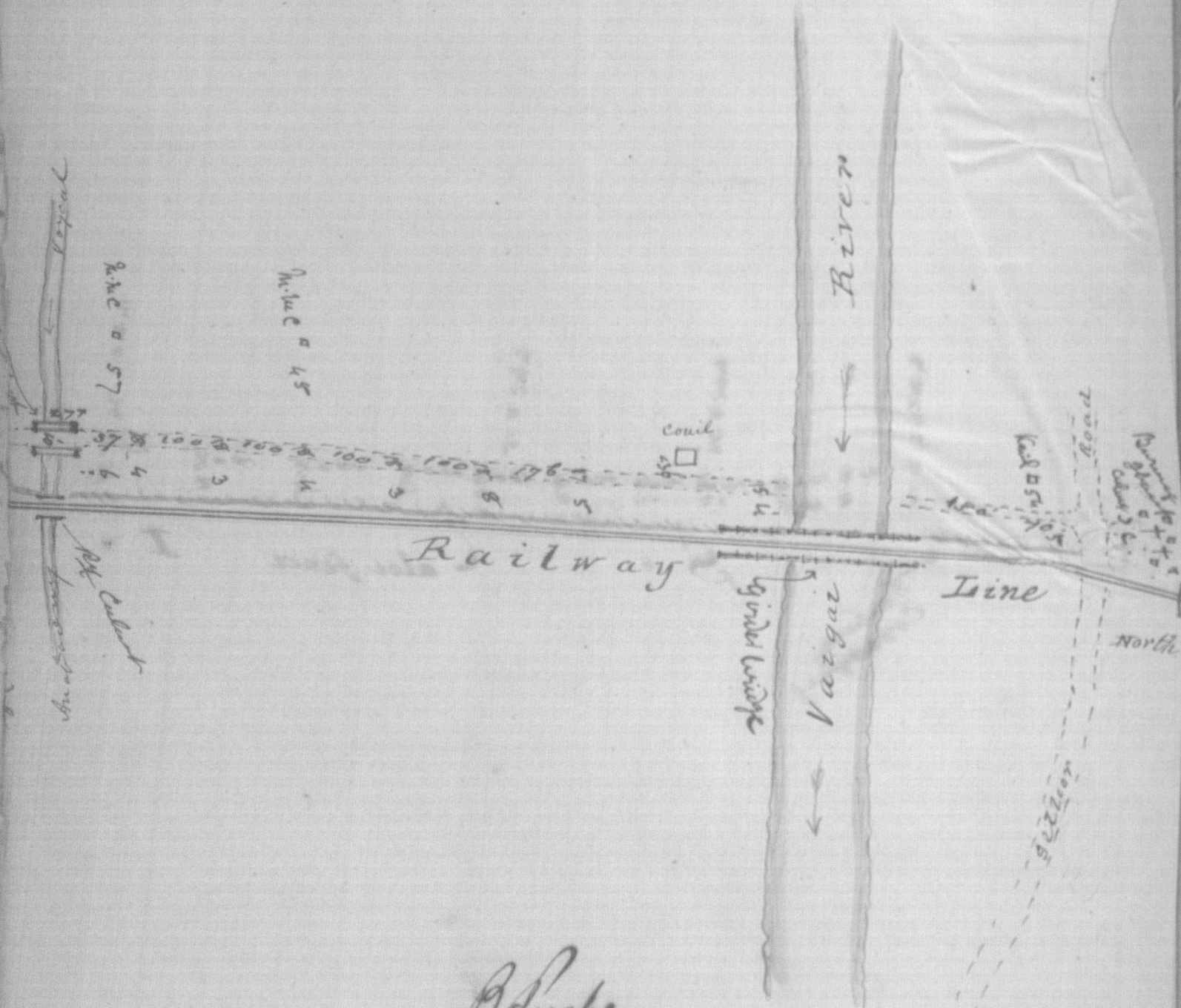
Chairman
M.M.C.

1/3564 M.M.C.

ENCLOSURE NO. /

Plan

Way Line
& Aloo fence



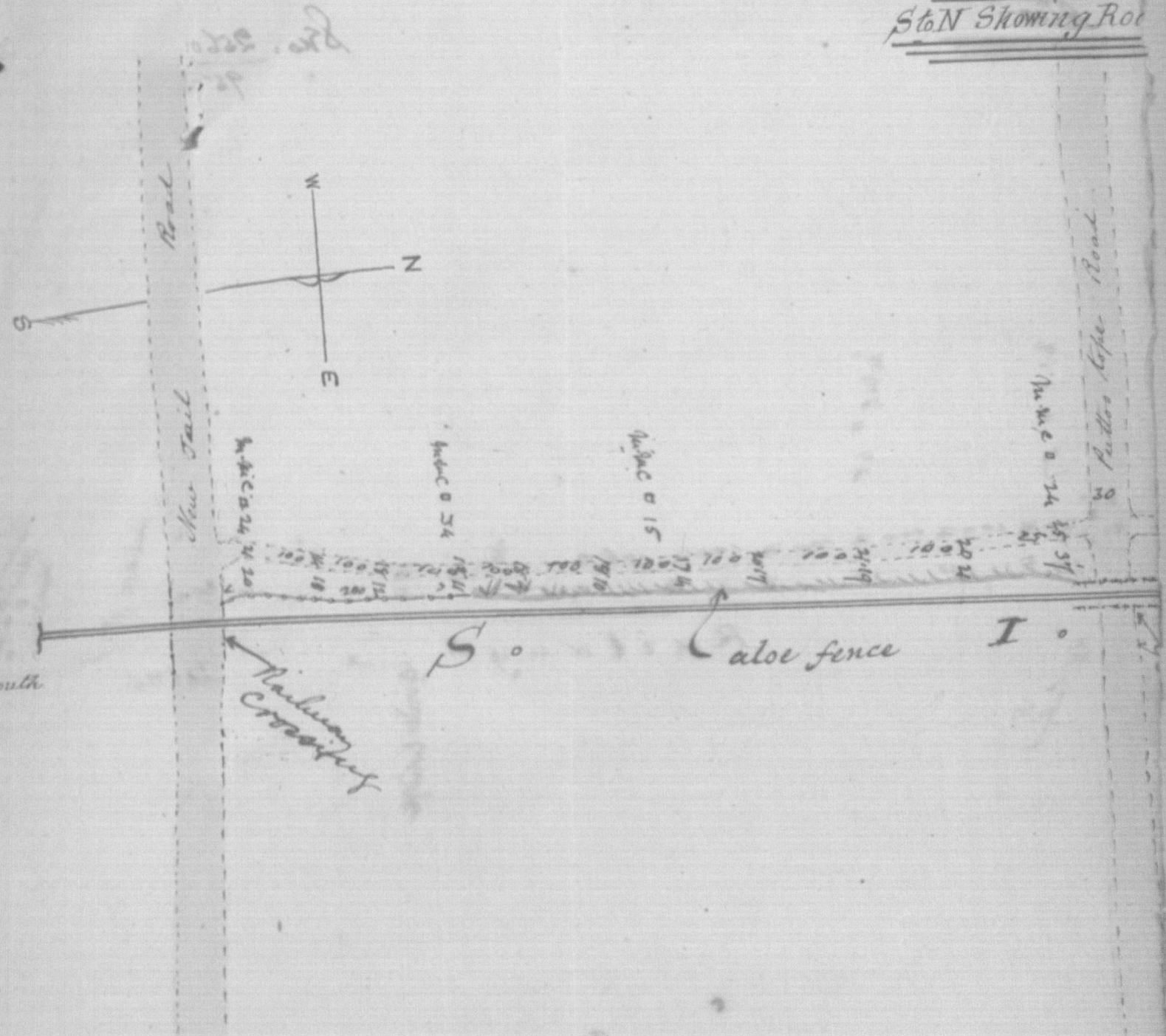
Adinche

Madurai
24-10-95

Chairman
M. M. C.

3564 M. M. C.

Sketch
OF THE
S. I. Rail
Stn Showing Road



207

25/10/95

ENCLOSURE NO. 2

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895.

No.

Sketch plan of the South
Indian Railway line, adjoining
the Aloe fence in question.

Municipal Office
Madura, 6th April 1893

No. 299.

From,

The Chairman,
Municipal Council,
Madura,

To

The Agent,
South Indian Railway,
Trichinopoly.

Enclosure one.

Sir,

In forwarding herewith copy of the
Municipal Overseer's report, I have the honor
to request that you will be good enough to
issue early orders for the removal of the aloes
planted along the Railway line in Sellur
village on the north side of the river, as
they afford shelter to venomous reptiles.

I have the honor to be,
Sir,

Your most obedient servant
(Signed) R. Fischer
Chairman

(True copy)

R. Fischer
Chairman

Municipal Office
Hastings, N. York 1892

No. 299

From

The Chairman
Municipal Council
Hastings

The Mayor
South Western Railway
Hastings

Dear Sir

In forwarding herewith copy of the
Municipal Council's report, I have the honor
to request that you will be good enough to
issue early orders for the removal of the trees
planted along the Railway line on either
side of the north side of the river as
they afford shelter to verminous rats.

I have the honor to be
Yours
Very much obliged
(Signed) J. J. J.
Chairman

(Enc. 1st)

Oct

1892
Hastings
Municipal Council

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Municipal Council

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1892
Hastings
Municipal Council

ENCLOSURE NO. 3

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 72

Dated 31st October 1895.

No.

Requesting to remove the
aloes planted along the
Railway line in Sellar village

South Indian Railway Co., Ltd.
Agents' Office.

No. 6381
1190

Trichinopoly 15th April 1893.

From,

The Agent
South Indian Railway,

To

The Chairman,
Municipal Council,
Madura.

Sir,

In reply to your letter no. 299 of the 6th instant, in which you ask for the removal of the railway side hedge adjacent to a newly opened road in Sellar village on the north side of the Vaigai river, I have the honor to inform you that the hedge referred to was laid down under Section 21 of the Railway Act, Amendment Act, of 1871 in accordance with which the Government drew up a Code of Rules for the provision of fences. By letter no. 6 dated 1st July 1874, the Consulting Engineer for Railways informed me that these Rules had received the sanction of Government. By G.O. no. 620 dated 3rd October 1882, Government stated that they trusted every effort would be made to secure an efficient protection against encroachments on the South Indian Railway, and the Consulting Engineer for Railways in a report attached

that 40 remarks:-

The alae fence is making good growth, and is already effective for long distances together; probably in three years time from now it will be an effective fence everywhere, if only care be taken to promote its growth in the localities least favorable to its success.

You will plainly from the foregoing that the Railway Company in providing an alae fence is acting in accordance with the order of Government.

I have seen (signed) L. H. Le Mendicant for agent

(True copy)

Chairman

Government has been up a case of alae fence for the provision of fences. By letter no. 10, 1st July 1872, the Consulting Engineer for Railways informed me that these alae had been the intention of Government. By no. 10, dated 3rd October 1872, Government stated that they trusted every effort would be made to secure an efficient protection against the South Indian Railway, and the Government for Railways in a report a similar

that 40 remarks:-

The alae fence is making good growth, and is already effective for long distances together; probably in three years time from now it will be an effective fence everywhere, if only care be taken to promote its growth in the localities least favorable to its success. You will plainly from the foregoing that the Railway Company in providing an alae fence is acting in accordance with the order of Government.

I have seen (signed) L. H. Le Mendicant for agent

(True copy)

Chairman

Government has been up a case of alae fence for the provision of fences. By letter no. 10, 1st July 1872, the Consulting Engineer for Railways informed me that these alae had been the intention of Government. By no. 10, dated 3rd October 1872, Government stated that they trusted every effort would be made to secure an efficient protection against the South Indian Railway, and the Government for Railways in a report a similar

ENCLOSURE NO. 4

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 92

Dated 31st October 1895

No.

Agent replies that the aloe
hedge planted according to
the order of Government laid
down in Sec. 21 of the Railway
Act, Amendment Act of 1871.

Municipal Office
Madura 9th May 1893
No. 384

From,
The Chairman,
Municipal Council,
Madura.

To
The Agent
South Indian Railway
Trichinopoly.

Sir,
With reference to your letter no. $\frac{6381}{1190}$
dated the 15th ultimus, I have the honor to state
that there can possibly be no objection to the
aloce fence being put up in view to securing
efficient protection against cattle on the Rail-
way line, but that at the same time when
ever the line passes through large and crowded
cities the aloce fence might with advantage
be substituted by a wire fence or any other
means of protection. As the route referred
to in my letter is frequented by people
at all times of the day and the night &
as it is desirable that particular care
should be taken of the health and safety
and convenience of the public, I have
the honor to request that you will be
good

good enough to issue early orders for removing the above fences referred to, that any injury that may happen to the public, may be averted and it is, I believe, with this object in view, that the above fence is dispensed with on the lines near Madras and other populous cities.

In Faith &c

Signed R. Fischer
Chairman

With reference to your letter of the 12th inst., I have the honor to state that the Government are providing for no objection to the above fence being put up in view of the fact that efficient protection against cattle on the road may be had but that at the same time even the line fence through large and compact cities the above fence might with advantage be substituted by a wire fence or any other means of protection. As the route referred to in my letter is frequented by parties at all times of the day and the night & as it is desirable that particular care should be taken of the health and safety and convenience of the public, I have the honor to request that you will be

good enough to issue early orders for removing the above fences referred to, that any injury that may happen to the public, may be averted and it is, I believe, with this object in view, that the above fence is dispensed with on the lines near Madras and other populous cities.

In Faith &c
Signed R. Fischer
Chairman

With reference to your letter of the 12th inst., I have the honor to state that the Government are providing for no objection to the above fence being put up in view of the fact that efficient protection against cattle on the road may be had but that at the same time even the line fence through large and compact cities the above fence might with advantage be substituted by a wire fence or any other means of protection. As the route referred to in my letter is frequented by parties at all times of the day and the night & as it is desirable that particular care should be taken of the health and safety and convenience of the public, I have the honor to request that you will be

ENCLOSURE NO. 5

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895.

No.

Chairman replies that
the aloe fence may be removed
and that the wire fence may
be substituted.

South Indian Railway Co. Ltd.,

No. 10800
1837.

Agents Office,
Trichinopoly, 22nd June 1893.

From,

The Offg. Agent,

South Indian Railway,

To

The Chairman,

Municipal Council,

Madura.

Sir,

Adverting to your letter no. 384 of 9th ult.,
regarding the removal of the Railway aloe hedge adjacent
to a newly opened road in Sellore village on the north
side of the Vaigai river, I have the honor to inform you
that the result of inquiry into this subject has brought
out the fact that the Municipality have, without the
South Indian Railway Company's consent, made the road
referred to in the overcross's letter to you, no. 282 of 1-2-93
on land belonging to the Railway Company and
that you have also built across the Nullah at
mile $\frac{34\frac{1}{2}}{10\frac{1}{2}}$ immediately below our 20 feet arch,
a bridge of 3 openings of 6 feet each or less waters
way than our Railway bridge (1.20 feet arch)

The road occupies a portion of our
less land and is almost wholly within our
limits.

Will you be good enough to kindly favor me
with your explanation of the encroachment on
Company's

copanangi land, and also with your proposal
for settling the matter? I have the honor to be,

Set,
Your most obedient servant,
(Signed) H. L. Mesurier
for the Agent.

(True copy)

R. R. R. R. R.

Chairman

Wm

capapang's land, and also with your proposals
for settling the matter? I have the honor to be

I have the honor to be,
 Sir,
 Your most obedient servant,
 (Signed) Wm. L. Mesurier
 for Offs Agent.

(True copy)

R. Richer

Chairman

ENCLOSURE NO. 6

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895

No.

Agent replies that the Municipality has encroached the Railway Company's land by opening a new road near the Aloc he age in Sellar village and that the Chairman will furnish explanation.

Municipal Office

Madura, 1st September 1895

No. 799

From,

The Chairman,
Municipal Council,
Madura.

To

The Agent
South Indian Railway
Trichinopoly

Sir,

Adverting to your letter no. 10800 dated 22nd June 1893, I have the honor to inform you that the road therein referred to has been made not upon the Railway Company's cess land as you seem to think, but upon land formally handed over to the Municipality by Government.

2. In this connection I would again invite your attention to my letter no. 384 dated 9th May 1893 regarding the advisability of substituting wire for aloc fencing and request that you will be good enough to let me know what action has been taken thereon.

3. I regret the delay which was unavoidable in the circumstances of the case.

I have Very

(Signed) R. Frischer
Chairman

(True copy)

Frischer

ENCLOSURE NO. 6

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895

No.

Agent replies that the Municipality has encroached the Railway Company's land by opening a new road near the Alor he age in Sellar village and that the Chairman will furnish explanation.

Municipal Office

Madura, 1st September 1893

No. 799

From,

The Chairman,
Municipal Council,
Madura.

To

The Agent
South Indian Railway
Trichinopoly

Sir,

Adverting to your letter no. ¹⁰⁸⁰⁰/₁₈₃₇ dated 22nd June 1893, I have the honor to inform you that the road therein referred to has been made not upon the Railway Company's cess land as you seem to think, but upon land formerly handed over to the Municipality by Government.

2. In this connection I would again invite your attention to my letter no. 384 dated 9th May 1893 regarding the advisability of substituting wire for abse fencing and request that you will be good enough to let me know what action has been taken thereon.

3. I regret the delay which was unavoidable in the circumstances of the case.

I have Very

(Signed) R. Frischer
Chairman

(True copy)

Frischer

By in the vicinity of

ENCLOSURE NO. 6

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 72

Dated 31st October 1895

No.

Agent replies that the Municipality has encroached the Railway Company's land by opening a new road near the Alor he age in Sellar village and that the Chairman will furnish explanation.

Municipal Office

Madura, 1st September 1893

No. 799

From,

The Chairman,
Municipal Council,
Madura.

To

The Agent
South Indian Railway
Trichinopoly.

Sir,

Adverting to your letter no. 10800 dated 22nd June 1893, I have the honor to inform you that the road therein referred to has been made not upon the Railway Company's cess land as you seem to think, but upon land formally handed over to the Municipality by Government.

2. In this connection I would again invite your attention to my letter no. 384 dated 9th May 1893 regarding the advisability of substituting wire for alor fencing and request that you will be good enough to let me know what action has been taken thereon.

3. I regret the delay which was unavoidable in the circumstances of the case.

I have Very

(Signed) R. Frischer
Chairman

(True copy)

Frischer

South Indian Railway in the vicinity of

Chambers Office
The above is signed by me

1899

From

The Chairman
Municipal Council
at a meeting

2

The Agent
South Indian Railway
Chennai

Per

Reference to your letter of 10th June 1899
22nd June 1899 I have the honor to inform
you that the Board have referred to the
matter not only the Railway Company but
as you seem to think, and after careful
consideration to the Municipality of Chennai.
In this connection I would again draw
attention to my letter of 10th June 1899
regarding the relative liability of subsidizing
freight and express that you will be good enough
to let me know what action has been taken thereon.
I repeat the delay which was unavoidable on
the circumstances of the case.

I have the honor to be,
Sir,
Yours faithfully,
Chairman

1899

The Chairman
Municipal Council
at a meeting

The Agent
South Indian Railway
Chennai

Reference to your letter of 10th June 1899
22nd June 1899 I have the honor to inform
you that the Board have referred to the
matter not only the Railway Company but
as you seem to think, and after careful
consideration to the Municipality of Chennai.
In this connection I would again draw
attention to my letter of 10th June 1899
regarding the relative liability of subsidizing
freight and express that you will be good enough
to let me know what action has been taken thereon.
I repeat the delay which was unavoidable on
the circumstances of the case.

South Indian Railway in the vicinity

ENCLOSURE NO 7

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No. 72

Dated 31st October 1895

No.

Chairman informing that
the road therein referred to has
been made upon land formally
handed over to the Municipality
by Government and requesting
that wire be substituted
for aloe fencing.

South Indian Railway Co. Ltd.

Agents' Office

Tiruchinopoly 13th February 1896

No. 1183
432

From

The Agent,

South Indian Railway,

The Chairman,

Municipal Council,

Madura.

Sir,

In reply to your letter no. 996 dated
25th October 1895 concerning (1) the encroachment
made by your Municipality in constructing
a new road in Sellur Village on the south
not north, bank of the Vaigai river, and (2)
the substitution of a wire fence for the Rail-
way aloe hedge adjoining the new road, I
have the honor to inform you that I find
this new road does encroach on our land,
and that until this point is decided I
am not disposed to move in the matter
of the hedge.

I send you herewith, in a separate
Cover, a tracing of this Company's land plan
no. 141/28 showing the land acquired by the
South Indian Railway in the vicinity of

1
35-4

of Tradura Station, and also a plan, on a
larger scale, No. $\frac{284}{93}$ from the dimensions
shown on which you will see that the newly
opened road has been located entirely on
Railway land, and I shall be glad to learn
what action you propose taking in the matter.

I regret your letter has been so long
under reply, but some little time was lost
in turning up some old records.

I have the honor to be

Sir

Your most obedient servant

(Signed) J. H. L. Mesurier

for Agent

(True copy)

Richer

Chairman

South Indian Railway Co. Ltd.
Agents' Office
Trichinopoly 30th March 1894.

No. 2713
934.

From,

The Agent
South Indian Railway

To,

The Chairman, Municipal Council,
Madura.

Sir,

I have the honor to invite attention
to your letter no. 130 of 16th ultimo and to
request the favor of an early reply to my
letter no. $\frac{1183}{432}$ of 13th idem concerning (1)
the encroachment made by your Municipality
in constructing a new road in
Pellar village on the South not north,
bank of the Vaigai river, and (2) the
substitution of a wire fence for the
Railway aloe hedge adjoining this new road.

I have &c.

(Signed) J. H. Le Mesurier
for Agent.

(True copy)

Chairman

ENCLOSURE NO. 8

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 72

Dated 31st October 1895.

No.

Agent forwarding a plan of
lands acquired by the Railway
Company in the vicinity of
Madura Station and stating
that the matter of hedge will
not be disposed of unless the
matter of encroachment is settled.

South Indian Railway Co.
Agents Office
Chennai 30 March 1890

27/3
1890

NO. 8

The Agent
South Indian Railway

The Chairman, Municipal Council
Madurai

Sir

I have the honor to invite attention
to your letter no. 130 of 16th ultimo and to
request the favor of an early reply to my
letter no. 1183 of 13th idem concerning the
enclosedment made by your Municipal
Committee in constructing a new road in
Pollar village on the bank of the Vaigai river, and the
substitution of a wire fence for the
Railway side hedge adjoining the road.

I have &c

(Signed) T. J. Leveson
for Agent

(Copy)

Madurai

South Indian Railway Co.
Agents Office
Chennai 30 March 1890

27/3
1890

From

The Agent
South Indian Railway

To The Chairman, Municipal Council
Madurai

Sir

I have the honor to invite attention
to your letter no. 130 of 16th ultimo and to
request the favor of an early reply to my
letter no. 1183 of 13th idem concerning the
enclosedment made by your Municipal
Committee in constructing a new road in
Pollar village on the bank of the Vaigai river, and the
substitution of a wire fence for the
Railway side hedge adjoining the road.

I have &c

(Signed) T. J. Leveson
for Agent

South Indian Railway Co.
Agents Office
Trichinopoly 30: March 1870

1183
1870

The Agent
South Indian Railway

The Chairman, Municipal Council
Trichinopoly

I have the honor to invite attention
to your letter no. 130 of 16: ultimo and to
request the favor of an early reply to my
letter no. 1183 of 13: idem concerning
the encroachment made by your Municipality
in constructing a new road in
Tellar village on the bank of the
Tellar river, and the
substitution of a wire fence for the
Railway side hedge adjoining the road.

I have Yrs
(Signed) J. H. Lawrence
for Agent

(True copy)

Trichinopoly

1183
1870

South Indian Railway Co.
Agents Office
Trichinopoly 30: March 1870

From

The Agent
South Indian Railway

To
The Chairman, Municipal Council
Trichinopoly

Sir

I have the honor to invite attention
to your letter no. 130 of 16: ultimo and to
request the favor of an early reply to my
letter no. 1183 of 13: idem concerning
the encroachment made by your Municipality
in constructing a new road in
Tellar village on the bank of the
Tellar river, and the
substitution of a wire fence for the
Railway side hedge adjoining the road.

I have Yrs
(Signed) J. H. Lawrence
for Agent

ENCLOSURE NO. 9.

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 72

Dated 31st October 1895.

No.

Agents' reminder to this
letter enclosed in the
enclosure no: 8.

No. 338.

Municipal Office
Madura 9: April 1894.

From to

The Chairman,
Municipal Council
Madura.

To

The Agent
South Indian Railway
Trichinopoly

Sir,

With reference to your letter no. ²⁴⁴³/₇₀₄ dated
the 30th ultimo, I have the honor to invite your
attention to my letter no. 130 dated 16th February 1894
and to state that the Deputy Collector on General
Duties, Madura Division, who was the Chair-
man when the road in question was made,
has not forwarded the report called for and that
a reminder has this day been sent to him.

2.
The substitution of a wire fence for
the aloe hedge has nothing to do with the encroach-
ment pointed out by you and I request therefore
that you will be so good as to issue early orders
on the subject.

I have the honor to be,
Sir,

Your most obedient servant,
(Signed) R. Fischer
Chairman

(True copy)

R. Fischer
Chairman

No. 338

Chambers & Co.
New York

Dear Sir

The Chairman
Chambers & Co.
New York

L

The Agent
Chambers & Co.
New York

Sir,

With reference to your letter of the 27th inst. I have the honor to acknowledge the receipt of the same. I am sorry to hear that the Commission is not yet settled, and that the matter is still in question. I am not forwarding the report, as it has not yet been sent to him.

2.

The substitution of a vice versa for the also help has nothing to do with the answer. I have the honor to be, Sir, your obedient servant.

Yours most obedient servant
Chambers & Co.

(John C. C.)