Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1320 M

DATED 8th August 1896

[Despatch Abstract.]

Roads.

Declining, with remarks, to reconsider the G.O. quoted, in which it was decided that the ---- traversing or skirting the esplanade of Fort St. George should be maintained entirely from municipal funds.

BACK PAPERS.

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

FURTHER PAPERS.

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

P.W.

1/

P. W. No. 286

MUNICIPALITY OF MADRAS,
Public Works Department,

Madras, 21st May 1896.

Local [illegible] Dept.
CURRENT No. [illegible]

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,
President, Municipal Commission.

To

The Chief Secretary to Government,
Fort St George.

SIR,

Enclosure

With reference to G.O.No 1104 M.Mis. Local and Municipal dated 18th August 1894, I have the honor to request that the question of withholding the annual contribution of Rs 6,000 paid to the Madras Municipality by the Military Works Department for the Roads within the Military zone may be reconsidered, as the Roads do not appear to be vested in the Municipality under Section 233 of Act 1 of 1884 as amended by Acts VII of 1884 and II of 1892.

I have the honor to be,
Sir,
Your most obedient servant,
G M J Moore Lt.-Col.
President, M.M.C.

2/

Local & Municipal Dept.
CURRENT No. 1500 M/96

65 M 15-9-94
1104 M 18-8-94
1454 M 7-9-92

1896.

Madras Municipality.

From

The President,
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort St. George

P. W. No. 286

Dated 21st May 1896
Despd. 22nd May 1896
Recd. 22 MAY 96

Enc.

Subject.

Requesting to reconsider the question of withholding the annual contribution of Rs 6000/- to the Municipality by the Military works Deptt. as the roads do not appear to be vested in the Municipality Under Section 233 of Act I of 1884 as amended by Acts VII of 1884 and II of 1892.

5

LOCAL AND MUNICIPAL DEPARTMENT.

Current No. 1500 M/96

From the President, Municipal Commission, Madras

FOR ORDERS.

When the question of discontinuing the annual contribution of Rs.6,000 paid to the Madras Municipality for the maintenance of the roads traversing or skirting the esplanades was raised in 1894, the Municipal Commissioners objected to the proposal on the ground that the Commissioners cannot be said to have sole control over the roads within the Military Zone, as no buildings were allowed on them; but this Department was of opinion that the reason assigned by the Commissioners was not adequate and that the roads should be maintained entirely from municipal funds—Vide papers in G.O No.1104 M, dated 18th August 1894. The Commissioners now request a reconsideration of this order on the ground that the roads do not appear to be vested in the Municipality under Sec.233 of Act I of 1894, as amended by Acts VII of 1884 and II of 1892. It is not apparent why the roads are not vested in the Commissioners under this Section. The Commissioners are mistaken in supposing that they have not the sole control over these roads, which are within municipal limits—Vide G.O.No.1 Finl., dated 1st January 1879—as the reservation by the Military Department of the privilege of prohibiting the construction of buildings within the Military zone does not interfere with the exercise by the Commissioners of their right of control over these roads. It is therefore submitted that the President may be informed that the Government sees no reason to reconsider its order.

V.R.
14/6/96

WWD
16.6.96

Fort St. George and the glacis alone are excluded from Muni. limits. Perhaps this may be pointed out to the President and he asked to justify his statements

[illegible]
18/6/96

WD
19/6/96

N.

Ref. 739 / 29/6/96

The President is requested to explain on what grounds he bases his opinion that the road within the military zone do not vest in the Municipal Commissioners when only Fort St. George & the glacis ~~itself~~ are excluded from Muni. limits.

(pro memoriam)
WWD 22.6.96

Desp. 29/6/96

Copy & desp.
The Prest. M.C. Madras
Sd/ 29/6

8/

FOR ORDERS.

N

$\frac{739}{96}$

Unit papers together
$\frac{Sd}{24/6}$

P.W.
I.

P. W. No. 487

MUNICIPALITY OF MADRAS,
~~Public Works Department,~~
Local & Municipal Dept
Madras, 1st July 1896
CURRENT No.

From

Lieut.-Col. G. M. J. MOORE, C. I. E.,
President, Municipal Commission.

To

The Chief Secretary to Government,
Fort St. George.

Sir,

Enclosure.

With reference to Memorandum No 739 dated 29th June 1896 Local and Municipal, I have the honor to point out that Roads under control of the Government are not vested in the Municipality under Section 233 of Act 1 of 1884.

In G.O. No 1251 w dated 4th May 1875 the Roads were reserved as purely Military and remained under the control of Government at the time of the coming into operation of the Act.

G.O. 1196 Fin
2.6.75.

I have the honor to be,
Sir,
Your most obedient servant,
G. M. Moore Lt.-Col.
President, M.M.C.

al No 1196 / 2/6/75

739/96

Local & Municipal De

1896 1899

~~C~~ Madras Municipality.

From

The President,
Municipal Commission,
MADRAS.

To

The Chief Secretary
to Government
Fort St. George

P. W. No. 487

Dated 12th July 1896
Despd. 12th
Recd. 2 JUL 96

Enc.

Subject.

Submitting explanation, with reference to Memorandum No. 739 dated 29th June 1896, that roads under control of the Government are not vested in the Municipality, and the roads referred to were reserved as purely Military under G.O. No. 1251 da 4th May 1875.

3

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.
Current No. 1500 M of 1896, dated 21st May 1896 from the President M.C., Madras
Current No. 1899 M of 1896, dated 1st July 1896 from the do do

FOR ORDERS.

Please see the notes and orders on the first letter read above. In reply to the reference made on this, the President says in the second letter that as the roads in question remained under the control of Government under G.O. No. 1196 Financial, dated 2nd June 1875, at the time when Act I of 1884 came into force they do not vest in the Commissioners under section 233 of the Act. It is true that these roads were originally reserved by Government as purely military roads (*Vide* Government Order above quoted), but as the Military department now relinquishes them (*Vide* papers recorded in G.O. No. 1104 dated 18th August 1894) the municipal Commissioners are, it is submitted, bound to take up and maintain them unless they are not required for the use of the public.

S.R. It is a little doubtful
4/7/96

~~roads vest in the Commissioners~~
~~the vesting clause (Sec. 233 of the Act)~~
~~says All public streets (not being~~
~~under the control of Govt.) existing~~

Under sec 233 of the Act these roads certainly vest in the Commiss for they were in existence at the coming into operation of the act, and are not now the property or under the control of Govt. I do not think that the G.O. quoted by the President has ~~[illegible]~~ any legal effect. There is no notification - the order merely said that the roads were to be kept up by means of a Govt. grant and did not exclude them from Mun. limits

WWD
18-7-96

22/7/96

23/7/96

cs.

Order. No. 1320 Mun. dt 8/8/96

The ~~Govt.~~ order of Govt. quoted by the President in the second of his letters under [illegible] merely ~~[illegible]~~ stated that the roads were be maintained by means of a g from Govt., but did not exclude from Mun. limits. Now that it been decided to withdraw that g of maintenance ~~of the roads~~

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devolves upon the Mun. Commiss as the roads are vested in the under the act I of 1884. The Govt. ~~[illegible]~~ therefore ~~[illegible]~~ is unable to reconsider its former order communicated in G.O. 1004 Mn / 18-6-96 (Pom orders)

WWD
25-7-96

5/8/96

RO

To
The President M.C. Madras.

Desp. 11/8/96

From
~~FOR~~ ORDERS.

1320 [illegible]

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[illegible]
68.56

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hen signed ______ } 189 .

EAD AGAIN G.O., No. 189 , DATED

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A = Copy in full.
B = Not to be copied
= Copy abstract only.
Q = Copy heading only.

11-12-07 ✓
8-9-13 ✓
20-7-21 13
31/5/27 11
~~8~~ 22/5/28 11 ✓
22-1-29 11 ✓

C.F. 73.

L. M. DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

~~Press~~ Miscellaneous ~~Routine~~ No. 130, dated 8. 8 ~~192~~ 96

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
22 5 28	MLC	3659	28	[illegible]	22/1/29	[illegible]
22 1 29	MLC	528	29	Ch	31-8-32	[illegible]