

[G.]
[17]
S. 186-5-06.

ORDINARY, MS.

Mar. DEPARTMENT.

G.O., DATED 18. 6. 95

No. 178

INDEXED.

When given for copying.

[Despatch Abstract.]

Record? with remark letter
from the Col. of Vizagapatam
reporting that the reclama-
tion of the fore shore from
near the govt cranes to the
owner Pantoon Bridge at
Vizag^m is proceeding and
subm^d copy of a memo from
the manager E. C. R. Y. show-
ing the terms on which
the R. Y. + the Port combine
for the reclamation.

2/12/14
16/9/27 IV

17360 68

247

722/6.

No. 37 : 28-1-96

FURTHER PAPER, No.

OF 189

Dec: 247: 9-4-96
Mar: 84: 28-1-97

READ AGAIN ORDER OF GOVERNMENT, DATED
189, No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.-

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

CURRENT No. 422

DEPARTMENT.

Marine Dept. No 37: 28-1-95 and
FROM

THE COLLECTOR OF VIZAGAPATAM.

TO

The Chief Secretary to Govern-
ment - Marine Department.
(through the Presidency Port
Office) Madras

CHIEF SECRETARY
1. JUN. 1895
GOVERNMENT OF MADRAS

Dated as } May 1895.
Received }

Re. G. No. 730
Dis.

ENCLOSURES. 2

Subject.

Reporting that the reclamation
of the foreshore from near the
Govt. cranes to the Turner Port
Bridge at Vizagapatam is proceed-
ing & sending for record with office
of Govt. copy of a memo from the
Manager E.C.R. showing the terms on
which the foreshore is to be reclaimed
for the reclamation.

WITH ORDER

CURRENT No. 422

No. 1494
136

Forwarded. The memo
of terms appears sufficient.

Walter B. B. B.

Presy. Port Office, } Commander, R.S.M.
Madras, 30 May 1895 } Presy. Port Office

mt.
Recd 1-8 June
Recd 5-8 June
Recd 2-8 June

18th June 1895 No. 178

H. K. the Governor.
Hon. H. W. Bliss. C. J. E.

Order 15/6/95 14 June

Recorded. The memo
submitted is all that
is required.

12/6/95

J.B.B.
8/6/95.

Despatched
The Collr. of Vizagapatam.
The P. P. Office.

24 JUN 95

M.S.

DEPARTMENT.

Enclosure no 1

In letter

FROM

THE COLLECTOR OF VIZAGAPATAM.

TO

The Chief Secretary to Govt
Marine Dept.

Dated 25th
Received

May 1895.

Re. G. No. 730
Dis.

ENCLOSURES.

Subject.

Copy of letter from the Government
Solicitor to the Presidency for
Office Madras 10/87 of 20-3-95.

1895

Mar. Dept.

Enclos. No. 2

To

G. No.

3
Memo of terms on which the Railway
and Port combine for the reclamation
of the foreshore at Wiggafalam.

—0.080.0—

I. The Railway to hand over the reclaimed
land on completion of the work to the
Port and to retain no claim on it
on account of money spent
on the reclamation.

This land lies
to the west of
the large crane.
1875 own

II The Port to have the right at
any time to take over any godowns
or sheds built by or at the expense
of the Railway on the reclaimed
land on repayment to the Railway
of the actual cost of the buildings
up to the date on which taken over.

Waltair
Dated the 30 April 1885.

1875 A. Breton
Manager
E. C. Railway

I, A. Breton Esq., Manager of the
East Coast Railway agree to the
above conditions.

1875 A. Breton.

1 Encl. of M

for Mr. Thomas collector

V
Enclosure no 2

In letter from the collector of
Visagapalam to the Chief Secre-
-tary to Government Marine Dept
of 25-5-85 No 730

Subject

Memo of terms on which the
Railway and Port combine
for the reclamation of the fore-
-shore at Visagapalam.

Mar 1
422

No 187

Madras 30th March 1897.

5
From Ernest Barclay,
Government Solicitor,
Madras.

To The Presidency Port Officer,
Madras.

Sir, I beg to acknowledge receipt of your
letter of the 20th instant No ²⁶⁵ 1497 M with copy
of Proceedings of Government of 20th
January last No 37, Marine, and
requesting me to furnish you with a
draft agreement to be executed by the
Engineer-in-Chief, East Coast Railway,
by which Government will retain
its right over such lands within the
port limits of Visagapalam as may
be reclaimed by the Railway
authorities at their own expense.

2. From para 2 of G.O. No 37 read
with your letter it is apparently proposed
that the agreement should be between
the Engineer-in-Chief of the East
Coast Railway on the one part and
the collector of Visagapalam on the other
part. The Engineer-in-Chief of the East
Coast Railway is, as such, an Officer
of

of Government and the Collector of Vizagapatam is also an Officer of Government, so that, if I carry out your instructions I shall have to prepare an agreement between two Officers of Government, binding Government on both hands, because of course, each Officer will be contracting on behalf of Government. But all contracts by or with Government have to be made in the name of the Secretary of State for India in Council, so that I should have to prepare the agreement between the Secretary of State of one part and the Secretary of State of the other part. But it requires two parties, at least to make a contract. So far as I can see the matter is a departmental one or one between two departments of Government, and no agreement can be entered into in respect to it.

3. I return the Enclosure to your letter.

I have etc.

123 Ernest Barclay,
Govt. Solicitor

No 1497
105

Copy forwarded to the Collector of Vizagapatam for information.

Presy: Port Office.
Madras. 3. 4. 95

123 H. D. Boddoley,
for Presy: Port Office

1 True copy

W. J. B. Boddoley
Govt. Collector

R. C. No. 730
Disposal

CURRENT No.

1

VIZAGAPATAM COLLECTOR'S OFFICE

Dated 25th May 1895

From

F. D'A. O. WOLFE-MURRAY Esq^r.

Ag. Collector,

Vizagapatam District.

To

The Honorable J. F. Price,

CHIEF SECRETARY TO GOVERNMENT,

Marine DEPARTMENT,

Through the Presidency Port Office, MADRAS.

SIR,

With reference to G. O. no 37 Marine dated 28th January last para 2, I have the honor to report that the Reclamation of the foreshore from near the Government Cranes to the Turner Bantoon Bridge at Vizagapatam is proceeding.

2. As regards the agreement to be taken from the Railway authorities I beg to state that there must be more than one party to an agreement and that in the present case there are no such parties as the owner of the land (to whatever Department of Government it may belong) is one and the same thing.

the Secretary of State. The Government
Solicitor to whom the question was
referred by the Presidency Post Office
is also of the same opinion vide copy
of his letter enclosed. I have however
obtained a memo from the Manager
of the East Coast Railway, signed
and agreed to by him, showing the
terms on which the Railway and
the Port combine for the Reclamation
and send it herewith for record in
the Office of Government.

I have the honor to be,

Sir,

Your most obedient Servant

Alm. J. P.

For age 1800

h