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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

G.O. No.	Press Mis.
Dated	18

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*Proceedings of the Madras Government, Public Works Department,
4th April 1865.*

No. 47. Read the following letter from Major General A. SPENCER, Commanding Mysore Division, to the Deputy Quarter Master General, Fort Saint George, dated Bangalore, 24th February 1865, No. 67:—

SIR,

As requested in your Office Memorandum No. 725 of the 19th ultimo, I have the honor to submit, for the consideration of Government, the Proceedings of a Special Committee assembled to investigate the amount of compensation due to Major Taylor in connection with the construction of a drain through his compound.

Proceedings of a Committee assembled at Bangalore on the 16th February 1865, at the residence of Captain Taylor, to report on certain matters connected with the new drain which has been laid down in his compound.

PRESIDENT.

Colonel HODSON, 22nd Regiment Native Infantry.

MEMBERS.

Captain CAMPBELL, R. A.

Captain KALLENDER, 22nd Regiment Native Infantry.

The questions which the Committee are called upon to report are—

First.—"The actual amount of damage done" to Captain Taylor's property by the construction of the drain.

Second.—"The compensation which they think should be awarded to Captain Taylor" in consequence thereof.

Third.—"The data upon which their opinion is founded."

The drain alluded to above is an extension of the one which, beginning at the western end of the old Dragoon Barracks, runs along the northern face of the range and on through the Hospital compound. On leaving the Hospital premises it enters the private grounds attached to Captain Taylor's property, and it runs across his compound until it joins the main sewer near the Ulsoor tank. The total length of the drain in Captain Taylor's property is 575 feet. It carries away all the waste water from the wash-houses and the urine from the Privies.

Neither the President nor the Members of this Committee saw the drain during its construction. They are therefore unable to offer any opinion as to the manner in which the work was executed. According to the plan prepared by Captain Goddard, R. E., it is a flat-bottomed drain with sloping sides. The width at bottom is six inches, at top twelve inches, and the height of the drain is sixteen inches. It is built throughout of stone set in chunam. At its head the drain is three feet, and at its junction with the main sewer it is 13 feet below the surface of the ground. The inclination of the drain, as far as can be ascertained, is about 1 in 60, a slope which (we are given to understand by Captain Tulloch) is quite sufficient to enable it to keep itself free from deposit, provided that it has been properly built.

The actual amount of damage which was done to the property by the construction of the drain it is impossible for the Committee to assess with any degree of certainty. They are given to understand that the proprietor had some of the branches of his trees lopped off, and some small trees destroyed. He was put to considerable inconvenience by the road in his compound being for some time (about three months) converted into a thoroughfare, and by the privacy of his house and grounds being interfered with. Captain Taylor has, moreover, lost his crops of hay for five months on the portion of ground over the drain, altogether over a surface 575 feet long by 15 feet wide, i. e., over more than one-seventh of a cawnee of land. So long as the ground over the drain is left in its present state, i. e., raised above its former level, it will be impossible to grow hay on it. For this purpose it would be necessary to level the ground and to re-manure it, the cost of which would not perhaps exceed 40 or 50 Rupees.

*Proceedings of the Madras Government, Public Works Department,
4th April 1865.*

4. As the Proceedings of the last Committee are lost, the present Committee feel that they are placed at a great disadvantage in settling the question of "compensation." They do not know what the terms of the original stipulations were. Captain Taylor received 3,000 Rupees, but for what it is not clear. It is most important, however, that they should know whether it was for the construction of the drain only, or whether it was for this and for a right of way to every part of the drain whenever it might become necessary to take it up for examination and repair.

5. The Committee consider that the sum of 3,000 Rupees for the construction of the drain only and as a compensation for the actual amount of damage already done to the property is a very large amount.

6. They are, however, decidedly of opinion that in a matter of compensation like the present, it is not fair to look at the actual amount of damage done as the only basis for compensation. What they think of much more importance is, whether the property has suffered in depreciation by the construction of the drain. And on this point the President and Members are agreed that the great prejudice in the minds of most people against drains may undoubtedly tend to lower the value of Captain Taylor's property in the eye of purchasers. What the amount of the depreciation is, the Committee cannot possibly decide. But considering that the drain may have been badly constructed, and that offensive gases may escape from it and among the persons residing in Captain Taylor's house, they are satisfied that the property is depreciated by the construction of the drain.

7. Considering all that has been said above on the subject, the Committee have arrived at the conclusion that, provided a right of way is secured to every part of the drain whenever it may be necessary to open it for examination, the sum of 3,000 Rupees is not more than a fair compensation to Captain Taylor for all the risks he incurs.

8. The Committee cannot close their proceedings without drawing the attention of the authorities to the necessity for some arrangement with Captain Taylor for a right of way to every part both of this drain and of the main sewer. If this has not already been secured to Government by the sums which Captain Taylor has received in compensation, it should be secured without delay, for, sooner or later, repairs will be required to these works, and it will be necessary to open up the ground again. It will be very annoying to Government if they should hereafter discover that neither the drain nor the sewer can be repaired unless a further sum by way of compensation is given to the owner of the property.

(Signed) D. HODSON, Lieut. Col.,
22nd Regiment N. I., } President.
(") N. CAMPBELL, Captain,
(") G. KALLENDER, Captain, } Members.
22nd Regiment N. I.,

MEMORANDUM.

No. 2,517.

Forwarded to Government, with reference to O. G. No. 194, dated 17th January 1865.

(By order.)

FORT SAINT GEORGE,
28th February 1865.

(Signed) E. J. LAWDER, Major,
Deputy Quarter Master General.

To the Secretary to Government, Military Department, Fort Saint George.

Transferred to the Department of Public Works, with reference to paragraph 4 of the Order in that Department, No. 82, dated 11th January 1865.

FORT SAINT GEORGE,
4th March 1865.

(Signed) R. HAMILTON, Lieut.-Colonel,
Under Secretary to Government.

*Proceedings of the Madras Government, Public Works Department,
4th April 1865.*

No. 48.

ORDER THEREON, 4th April 1865, No. 911.

MILITARY WORKS.

1. With this letter the Officer Commanding the Mysore Division forwards the Proceedings of a second Committee appointed, with reference to G. O. No. 82, dated 11th January 1865, to enquire into the actual amount of damage done to the property of Captain Taylor at Bangalore by a drain which has been constructed through a part of his compound, and the compensation which should be awarded to that Officer.

2. The Government have carefully considered the report now laid before them, and they are of opinion, that the compensation of Rupees 3,000, awarded by the Committee first appointed by the Military authorities, was excessive, and they are surprised that an Officer in Captain Taylor's position made no scruple to accept from the public a sum so out of all proportion to the damage done to his property, and to any depreciation in value which it may have suffered. The amount having been already disbursed, the Government, with these remarks, will no further press the matter, on the condition that a right of way to every part of the drain, whenever it may be necessary to open it for examination or repair, shall be conceded by Captain Taylor. The Superintending Engineer will take steps for obtaining from that Officer an agreement to this effect.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 5th Division.
" Military Department.

" Controller of P. W. D.

Exd. S. T. Augustin.

Proceedings of Committee as-
sembled, ^{at Vancouver on the 18th January 1865,} at the residence of Captain
Taylor Report on certain matters
connected with the new drain which
has been laid down in his compound.

President -

Colonel Hudson. 22nd H. I.

Members.

Captain Campbell. R. A.

Captain Kallinder. 22nd H. I.

The questions which the Com-
mittee are called upon to report
are - First "The actual amount
of damage done" to Captain
Taylor's property by the Com-

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struction of the drain. Second

"The Compensation which they think should be awarded to Captain Taylor" in consequence thereof.

Third. "The data upon which their opinion is founded."

The drain alluded to above is an extension of the one which, beginning at the Western end of the Old Oregon Barracks, runs along the northern face of the Range and on through the Hospital Compound. On leaving the Hospital premises it enters the private grounds attached to Captain Taylor's property, and it runs across his compound until it joins the main sewer near the Ulman

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Tank. The total length of the
drain is Captain Taylor pro-
posed 4.575 feet. It carries
away all the waste water from
the washrooms and the urine
from the privies.

Neither the President
nor the members of the Com-
mittee saw the drain during
its construction. They are there-
fore unable to offer any opinion
as to the manner in which the
work was executed. According
to the plan prepared by Captain
Saddard R.E. it is a flat-
bottomed drain with sloping
sides. The width at bottom
is 8 inches, at top 12 inches, and
the height of the drain is 16 inches.
It is built throughout of stone.

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set in Churnam. At its head
the drain is 3 feet ~~below the sur-~~
~~face of the~~ and at its junction
with the main sewer it is 13 feet
below the surface of the ground.
The inclination of the drain
as far as can be ascertained
is about 1 in 60, a slope which
(we are given to understand by
Captain Tulloch) is quite suf-
ficient to enable it to keep itself
free from deposit provided that
it has been properly built.

The actual amount
of damage which was done
to the property ^{by} the construction
of the drain is impossible
for the Committee to assess
with any degree of certainty.
They are given to understand

7
that the proprietor had some of
the branches of his trees lopped off
and some small trees destroyed.
He was put to considerable in-
convenience by the road in his com-
mune being for some time (about
3 months) converted into a through-
fare and by the privacy of his
house and grounds being inter-
fered with. Captain Taylor has
however lost his crops of hay
for 5 months on the portion of
ground over the drain - al-
together over a surface 575 feet
long by 15 feet wide i.e. over
more than $\frac{1}{7}$ th of a canon
of land. So long as the
ground over the drain is
left in its present state - i.e.
raised above ~~the~~ its former

level it will be impossible to
grow hay on it. For this purpose
it would be necessary to level the
ground and to remove it the
cost of which would not perhaps
exceed 40 or 50 Rupees.

As the proceedings of the
last Committee are lost the
present Committee feel that
they are placed at a great dis-
advantage in settling the question
of "compensation". They do not
know what the terms of ^{the} original
stipulations were. Captain
Taylor received 3000 Rs, but
for what it is not clear. It
is most important, however,
that they should know whether
it was for the construction of
the drain only, or whether

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it was for this & for a right of
way & every part of the drain
wherever it might become
necessary to take it up for
examination and repair.

The Committee consider
that the sum of 3000 Rs for the
construction of the drain only
and as a compensation for
the actual amount of damage
already done to the property is
a very large amount.

They are however de-
cidedly of opinion that in a
matter of compensation like
the present it is not fair to
look at the actual amount
of damage done as the only
basis for compensation.

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What they think of much more
importance is whether the property
has suffered in depreciation by
the construction of the drain. And
on this point the President and
Members are agreed that the
great prejudice in the minds of
most people against drains may
undoubtedly tend to lower the value
of Captain Taylor's property in
the eye of purchasers. What
the amount of the depreciation
is the Committee cannot pos-
sibly decide. But considering
that the drain may have been
badly constructed and that of-
fensive gases may escape from
it and annoy the persons residing
in Captain Taylor's house, they
are satisfied that the property
is depreciated by the con-

struction of the drain.

11
Considering all that has
been said above on the subject
the Committee have arrived at
the conclusion that, provided
a right of way is secured to every
part of the drain whenever it may be
necessary to open it for examination,
the sum of 3,000 Rs is not
more than a fair compensation
to Captain Taylor for all
the risks he incurs.

The Committee cannot
close their proceedings without
drawing the attention of the
authorities to the necessity for
some arrangement with
Captain Taylor for a right
of way to every part both of

Principio de la obra.
A la memoria de la
S. M. de Madrid de 1794.
A la memoria de la S. M. de
Madrid de 1794.
A la memoria de la S. M. de
Madrid de 1794.
A la memoria de la S. M. de
Madrid de 1794.

Principio de la obra.
A la memoria de la
S. M. de Madrid de 1794.

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d/ 28. Februar 185

Submitting Proceedings
at Bangalore

For the orders of Government



July

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then

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Harry

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100-443887-100

don't make us what you can now do. The Sup^r
Engineer who sanctioned the work is dead
and the proceeding, after final Committee
if formed, will probably show no more
than those of the last which report all
the material facts.

JP

The first Committee's report ought to furnish the
basis due to the calculation of the loss. It
abundantly justifies the owners of the house.
Nothing should be made for them. Perhaps
Major Taylor might himself be disposed, if
applied to, to state what he laid before
the Committee as the basis of the demand
which he made. Even if the Committee were
disappeared, Major Taylor's statement
might be referred to clear the clouds now
hauling over the business.

WJ

Military Works Dept
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Proceedings of the Madras Government
Under date the 15th March 1865

Under date the 15th March 1865

From the Quarter Master Genl.

Forwards Proceedings of a
Special Committee appointed to
investigate the amount of com-
pensation for a drain laid down
in Major Taylor's Compound.

With reference to the letter from the
Commanding Officer, Bangalore Division
forwarded the Proceedings of a
Special Committee appointed, with
reference to the drain laid down in
January 1865, to inquire into the
actual amount of damage done
to the property of Capt. Taylor
at Bangalore by a drain which
has been constructed through a
portion of his Compound, & the
compensation which should be
awarded to that Officer.

The Govt have carefully
considered the report now laid before
them, & they are of opinion that
the compensation of Rs. 3000 awarded

WJ

JP

WJ

by the Committee just appointed
by the Military authorities was
expressed, & they are surprised
that an Officer in Capt Taylor's
position made no scruple to accept
from the public a sum so out of
all proportion to the damage done
to his property & to any
depreciation in value which
it may have suffered. The
amount having been already
disturbed, the Govt, with these
remarks, will no further press
the matter, on the condition
that a right of way to carry
past the drain whenever it
may be necessary to open it for
examination or repair, shall be
conceded by Capt Taylor. The
Supg. will take steps for
obtaining from that Officer an
agreement to this effect.

[Signature]

To The Lt Col. D. S.
Military Dept.
Controller of P. & A. S.

5th April

To J. B. 1865 Depo
Pro of Court & Depo

No 911

Pro of the Court
D. H. C. 1865

The Supy Comr
5th D^o requested to detain
from Capt. Taylor an
agreement considering
the Govt. the right of
way to every fact
of the drains recently
constructed through
his compounds at
Bangalore & for which
compensation to the
extent of Rs 3000.
had been awarded to
him.

No 47. 48.