M.E.O. 1—77,606—8-6-32.

(1) Number of pages 1

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 2959 Press Mis.

5724-5764.

Dated 23. 9. 1867.

Not to be folded or roughly handled

Read the following papers:—

No. 572. From the Reverend A. BATUL, S. J., Rector of St. Joseph's College, Negapatam, to the Secretary to Government, Public Works Department, dated Negapatam, 2nd September 1867.

(A copy of a letter from the Rector of St. Joseph's College, Negapatam, to the Collector of Tanjore, which letter the latter declined forwarding to the Government of Madras.)

1. A recent communication from the Government of Madras informs me that an order has been passed to the effect that the old Tower in this compound should be removed.

2. As, however, nothing is as yet determined, as to the performance of the work, I beg to submit some few remarks in addition to what I have previously stated in the last paragraph of my petition to the Government of Madras, under date 5th February last.

3. When this compound was originally rented from Government, it was stipulated in the contract that the proprietors for the time being would hereafter be under the obligation "not to pull down or injure the building which now serves "as a land-mark to ships, but are at liberty to repair or convert it into any useful "purpose." Whereupon, I beg to observe, that although the said proprietors are no longer under the obligation of preserving the building, they remain in possession of their right of *converting it into any useful purpose.*

4. It is, I think, in consequence of this clause, that, when, on some previous occasions, owing to the dangerous state of the summit of the Tower, the Superiors of this College were allowed by Government to make considerable reductions at their own expense, the Government did not make any claim to the materials.

5. It will not be out of place here to mention the official communication, by which the Superior of the College was authorized to make the last reduction abovementioned: "M. Morris approves "of the suggestions of M. Fraser, and "instructs me to convey to you the "authority to remove, at your own cost, and within your own time, not to be un-"reasonably deferred, the upper story of the Tower in question, the proceeds of "course being your own property. The only conditions attaching to this being—

A. R. Hutchins, Acting Head Assistant Collector, 20th January 1863.

"1*st*.—That the plan laid down by M. Fraser be not deviated from.

"2*nd*.—That you at all times allow the Officers of the Public Works De-"partment to inspect the progress of the work.

"I would observe, that it will be necessary that the Officer of the Public "Works Department should superintend your performance of the part of the "engagement, which requires that the wall should slope inwards from two feet "above the lower cornice, and that the sloping portion should be well plastered to "preserve it from the rain."

6. Hence the Government will see that both the removal of the upper stories of the Tower at different times, and the repairs that were required, have occasioned to the College considerable expense, and, therefore, I have no difficulty in presenting the fact as giving a right to some compensation in the present circumstance.

7. It may be observed, moreover, that the work of pulling down the ruin and removing the materials being carried on by strangers, without regard to the exigencies of the College, would put this community to very great inconvenience,

as the ruin stands in the most frequented part of the compound, on the play ground on which the boys take their usual recreation.

8. I, therefore, most earnestly request that the Government will be pleased to allow me to undertake that work, and have the materials to cover the expense. This will be considered as a great favor, and an encouragement given by Government to a charitable institution solely devoted from its origin to the education of the native youth. Those materials, in the present circumstance, have a particular value for this College, owing both to their being on the spot and to the necessity I stand under of erecting a new school-building on account of a considerable increase in the number of the pupils.

9. I shall feel much obliged at your presenting my request to the Government for their consideration.

The following is the reply received from the Collector of Tanjore.

"2. The words stated by you, as in the original stipulation, were expressly quoted by me in my letter to Government, on this subject, and I therefore must refuse to again go up to Government on this point raised by you."

TANJORE COLLECTOR'S OFFICE.
Vailum, 4th September 1867.

Notwithstanding this notification, I think it proper to sumbit the above stated remarks to Government, as some important circumstances were omitted in previous reports.

Begging of you to excuse the liberty I have taken, I have, &c.,

(Signed) A. BATUL, S. J.,
Rector of St. Joseph's College.

NEGAPATAM,
7th September 1867.

No. 573. Telegram from the Magistrate of Tanjore, to Major SHAW STEWART, Madras, dated 20th September 1867.

Your Telegram received. The Negapatam Municipality has been asked whether they will undertake the removal of the Tower in exchange for the bricks, but no reply has been received as yet. No further action will be taken till the receipt of further proceedings from Government.

No. 574. ORDER THEREON, 23rd September 1867, No. 2,959.

CIVIL WORKS, No 63.

On re-consideration of the Order of the 28th ultimo, No. 2,626, and giving full weight to all that is urged by Mr. Batul in his letter above recorded, the Governor in Council is pleased to sanction the removal of the old Tower at Negapatam by the officers of St. Joseph's

College at their own expense, and the appropriation of the available material to such school-building purposes as they appear to have in contemplation.

(True Extract.)

Major, R. E.,
Under Secretary to Government.

To the Magistrate of Tanjore.
" Superintending Engineer, 6th Division.
To Reverend A. Batul, S. J.

Exd. S. T. Augustin.

From

The Rev. A Batut SJ.
Rector of St. Joseph's College
Negapatam

To

Charles R. Orr, Colonel A.Q.
Secretary to Government
Madras.

A copy of a letter from the Rector of St Joseph's College Negapatam, to the Collector of Tanjore, which letter the latter declined forwarding to the Government of Madras.

Sir,

A recent communications from the Government of Madras informs me that an order has been passed to the effect that the Old towers in this Compound should be removed.

As, however, nothing is as yet determined as to the performance of the work, I beg to submit some few remarks in addition to what I have previously stated in the last para. of my petition to the Government of Madras under date 5th Febr. last.

When this Compound was originally rented from Government, it was stipulated in the contract that the proprietor for the time being would hereafter be under the obligation "not to pull down or injure the building which now serves "as a land mark to ships, but are at liberty to repair or "convert it into any useful purpose" Wherefore I beg to observe that although the said proprietors are no longer under the obligation of preserving the building, they remain in possession of their right of converting it into any useful purpose.

It is, I think, in consequence of this clause, that, when, on some previous occasions, owing to the dangerous state of the summit of the towers, the Superiors of this College were

were allowed by Government to make considerable
reductions at their own expense, the Government did
not make any claim to the materials.

It will not be out of place here to mention
the Official Communication by which the Superior
of the College was authorized to make the last
reduction above mentioned. "I do hereby approve A. R. Hutchins
"of the Suggestions of the Hon. Fraser, and instruct me Act. Sec. Coll.
"to convey to you the authority to remove, at your 20th Jan. 1858
"own cost, and within your own time, but to be
"unreasonably deferred, the upper Story of the tower
"in question, the proceeds of course being your own
"property — the only conditions attaching to this being
"1st That the plan laid down by Mr. Frazer
"be not deviated from.
"2nd That you at all times allow the Officers
"of Public Works Department to inspect the progress of the Work.
"I would observe ... that it will be necessary that
"the Officers of the Public Works Department should superintend
"your performance of the part of the engagement which
"requires that the Wall should slope inwards from 2 feet
"above the lower Cornice and that the sloping portion
"should be well plastered to preserve it from the rain."

Hence the Government will see that both
the removal of the upper Stories of the tower, at
different times, and the repairs that were required have
caused to the College considerable expense, and therefore
I have no hesitancy in presenting the fact as giving
a right to some compensation in the present circumstance.

It may be observed, Moreover, that the
Work of pulling down the ruin and removing
the Materials, being carried on by Strangers without
regard to the exigencies of the College, would
put this Community to very great inconvenience, as the
ruin stands in the most frequented part of the compound,
on the play Ground on which the boys take their usual
recreation.

I, therefore, most earnestly request that the
Government will be pleased to allow me to undertake
that Work, and have the Materials to cover the expense
This will be considered as a great favor and an encouragement
given by Government to a Charitable Institution, solely
devoted from its Origine to the education of the native youth
— Those Materials, in the present circumstance have a
particular value for this College, owing both to their being
on the spot and to the necessity I stand under of
erecting a new School building on account of a considerable
increase in the number of the pupils.

I shall feel much obliged at your presenting
my request to the Government for their consideration.

I have the honor to remain,

Dear Sir

Your most obedient Servant.

St. Joseph's College, Negapatam
2nd Sept. 1867

Rect. of St Jos. Coll.

The following is the reply received from the Collector
of Tanjore.

"2 The words stated by you, as in the
original stipulation, were expressly quoted by me
in my letter to Government on this subject, and
I therefore must refuse to again go up to Government
on this point raised by you.

Tanjore Collector's office.
Vellum 4th September 1867

Notwithstanding this notification I think it proper
to submit

to Submit the above stated remarks to Government as some important circumstances were omitted in previous reports.

Begging of you to excuse the liberty I have taken

I have the Honor to remain,

Sir

your Most obedient Servant.

A. Batut S.J.

Rect. of St Jos. Coll.

St. Joseph's Coll. Negapatam 7th Sept. 1867.

To Charles A Orr. Colonel, R.E.

Secretary to Government.

Enclosed for orders. [illegible]

to submit the above stated remarks to Government

Recd 27 Sept 1867 Copies
Proc: of Govt for Sept:
№ 3592

From

The Director of Dr
Joseph's College.
Negapatam.

Dated 1st & Rec'd 5th Oct 1867
№

Regarding the
removal of the old
tower at Negapatam.

№ 572

Ecclesiastical 29 Sept 67
№ 2959 - 230

Forwarded for orders. With
reference to G. O. of the 28th ultimo.
№ 2626.

Mountstuart
Madras Rg.

We are awkwardly placed in regard
to the removal of the old tower, of which mention
is made in Mr A. Baird's communication of the 7th instant.
We find -
When the land on which it stands, was made over
to the Roman Catholic Officers, they were prohibited
from enclosing it in their College premises, which as
you know, are walled round. It was however stipulated
that they might "repair" the tower or "convert it to
any useful purpose" - and it seems that they
have been at expense in repairing it. - Although
they now agree on all hands, that the tower is
in such a dilapidated state as to render it re-
moval, it is under what the competency of the
College officers to use their readiness & pleasure to
repair it or their inclination could not be ascertained.
They may also with some reason object to
admit-cash & workmen before the removal of
the tower. We have not retained any right of entry
& their refusal to admit-cash & workmen would
effectually stop operations - as we could not force
an entry. It could be done only by bringing
a civil action & by falling in that, a decree
in our favor, but of course such an action would
the duration

the Collector people may also make a show of consulting the Town, Council thereby to some useful purpose, and as this would still be during the condition of the case of the Court our removal Speeches would be stopped by it.

In fact, then remains to be as far away from all the materials of the Town without the consent of the College Principal. Now he can by request on the Board of the Lord Lieutenant that under such circ[umstances] this material shall remain as they are during to avoid such a waste of money by both making a mutilation of the case and allow the removal of the Town to be effected by the College Officers at their own expense & permit them to make use of the available material for such school buildings purposes as may appear to them in contemplation.

The College of St. Joseph is a respectable institution and has done a great deal in various ways for the Catholics.

I would respectfully suggest that the order of the 28th ultimo No. 2626, and that the Magistrates of Cavan to annul any Notifications they may have issued, should the Officers have been supplied & this communication have been supplied & this.

But to prevent any difficulty I would also suggest a telegraph to the Magistrates to stay the proceedings & telegraph back what he may

Done. I believe I have stated the Opinion of the Municipality, the undersigned order of Lord Lieutenant, the subject with the consideration

18 Sept.

Pub. Works 1867 Depart.

Public Works Department.

1357

No 2959

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 23rd Sept. 1867

Read the following

From the Rector of St Joseph's College Negapatam & Rece. under 7th Sept. 67

From the Magistrate of Tanjore " " 20th "

(Here enter No. dated)

In reconsideration of the Order of the 28th Ultimo, No. 2626, and giving full weight to all that is urged by the Board in his letter above recorded the Governor in Council is pleased to sanction the removal of the old tower at Negapatam by the Officers of St. Joseph's College at their own expence and the appropriation of the available material to such School building purposes as they appear to

18 Sept/67.

To. Have the honour to forward
herewith a Petition
from Mr. Thomas Hall
Esqr. Collector of
Tanjore
for the favourable
consideration of
Government.

I have the honour to be
Sir
Your most obedient
humble servant
Tanjore
14th Sept. 1807

To
The Right Honble
Lord William Bentinck
&c &c &c
Fort St. George

The Magistrate of
Tanjore
for the favourable
consideration of
Government.

P. W. 1867. Department.

Proc. of Govt. for September

No. 2959

PROCEEDINGS OF GOVERNMENT of Madras

Dated 23d September 1867

Sanctioning the removal of the old Tower at Negapatam by the officers of St. Joseph's College, at their own expense, and the appropriation of the material to School building purposes.

Ole. 572 @ 574