M.R.O. 1—77,000—4-5-31.

(1) Number of pages 2

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Pub-C DEPARTMENT.

G.O. No. 1596 Press Mis.

Dated 18-11- 18 11.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 18*th July* 1871.

No. 294. Read the following letter from the Superintending Engineer, 4th Division, to the Secretary to Government, Public Works Department, dated Madras, 28th June 1871, No. 1,329 :—

One Bill.

I HAVE the honour to submit a bill received from the Executive Engineer, Presidency, for fee to be paid to the Madras Municipal Commission for erecting scaffolding in front of the Small Cause Court at Madras, and to request that I may be informed whether it is to be liquidated or not?

2. The Executive Engineer having stated that the space occupied by the scaffold poles for which the charge is made did not extend so far beyond the wall of the building as the ramps and steps leading to the doors, and that it consequently did not encroach on the Municipal limits of roadway, nor interfere with the traffic, I returned the bill through the Executive Engineer, and asked Mr. Gover to lay his claims, if any, before Government.

3. Mr. Loch, the Officiating President of the Municipal Commission, now writes to say that the bill was based on Section 181 of the Municipal Act of 1867, and on the schedule of fees sanctioned by Government on the 17th January 1871. He states that the section of the Act and the Fee Schedule make no exception in favour of officers in charge of Government buildings.

4. So far as I am aware no charge like this was ever made before, though in all probability scaffolding was often erected for the carrying out of repairs or improvements to Government buildings in Madras.

5. In dealing with the bill under notice, consideration must be paid to the fact that its sanction by Government will establish a precedent which will prove inconvenient and expensive hereafter. There is further the testimony of Captain Hunter, R.E., that the scaffolding in question did not interfere with the traffic, and if, as I suppose, the section of the Act referred to was intended to provide for the payment of compensation only where inconvenience is imposed, the charge is not fairly claimable, and I would deprecate the Government entertaining it.

No. 295. ORDER THEREON, 18th July 1871, No. 1,890.

CIVIL WORKS, No. 20.

THE Superintending Engineer will be directed to inform the President of the Municipal Commission that as the scaffolding erected in front of the Small Cause Court did not project beyond the ramps leading to the doorways, and so could not cause any obstruction to the street or footway, because no traffic was possible where the scaffolding stood, the Government do not consider the claim to a fee made by the Municipality to be in accordance with Section 181 of Act IX. of 1867.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, 4th Division.
,, Public Department.

Exd. S. T. Augustin.

No 1329. Supdg Engineer's Office 4th Div
Madras 28th June 1871.

From,

Colonel G.T. Wilkinson R.E.
Supdg Engineer 4th Division

To

Colonel J. Carpendale R.E.
Secretary to Government P.W.D.

Enclosure
1 Bill.

Sir,

I have the honor to submit a Bill received from the Executive Engineer Presidency for fee to be paid to the Madras Municipal Commission for erecting scaffolding in front of the Small Cause Court at Madras, and to request that I may be informed whether it is to be liquidated or not.?

2 The Executive Engineer having stated that the space occupied by the scaffold poles for which the charge is made did not extend so far beyond the wall of the building as the ramps and steps leading to

the

the doors, and that it consequently did not encroach on the Municipal limits of Roadway nor interfere with the traffic. I returned the Bill through the Executive Engineer and asked Mr. Lover to lay his claims if any before Government.

3 Mr. Lock the Officiating President of the Municipal Commission now writes to say, that the bill was based on Section 181 of the Municipal Act of 1867, and on the Schedule of fees sanctioned by Government on the 17th January 1871. He states that the Section of the Act and the fee Schedule make no exception in favor of Officers in charge of Government Buildings.

4 So far as I am aware, no charge like this was ever made before, though in all probability

5D

probability scaffolding has often erected for the carrying out of Repairs or improvements to Government buildings in Kandy.

5 In dealing with the Bill under notice, consideration must be paid to the fact that its sanction by Government will establish a precedent which will prove inconvenient and expensive hereafter. There is further the testimony of Captain Hunter R.E. that the Scaffolding in question did not interfere with the traffic, and if as I suppose the Section of the Act referred to was intended to provide for the payment of compensation only where a inconvenience is imposed, the charge is not fairly claimable, and I would deprecate the

Government

Government entertaining it.

I have the honor to be
Sir
Your most obedient Servant

Maurice Roland M.C.
Suez Engineer 1st Division

Letter from the Superintending Engineer of the 4th Div. dated 28th June 1871 No. 1329.

Circulated for orders.

It appears to me that the claim sought to be resisted - Section 181 Act IX of 1867 only applies in cases where a Street or footway would be obstructed or the public inconvenienced by the erecting of hoarding or scaffolding, and as in this case the

It is urged that the Govt. should bear the expense of the scaffolding as it is the Govt. it is urged that the scaffolding did not encroach upon the Street and that it did not project beyond the ramps or steps up to the building.
I am not informed exactly where the scaffolding was & do not know the locality. If it was back of the street behind the building & not encroached upon any portion of the side walk

P. D. 1871 [illegible]
From [illegible] No. 3033
The Supt. Engineer
4th Divn.

To
The Secretary
to Governm[illegible]
Dated 28th June [illegible]
Rec'd 29th [illegible] No. 132[illegible]
Enclt. [illegible]
Submitting with [illegible]
a Bill for Rupees [illegible]
for fees to be paid [illegible]
Orleans Municipa[illegible]
Commission for er[illegible]
scaffolding in fr[illegible]
of the small chur[illegible]
Court and requesting [illegible]
be informed whether [illegible]
is to be liquidated [illegible]

No. 1890 - 18th July [illegible]

the scaffolding was
on land belonging to
the building, and did
not extend on to the
street or footpath.
no license from the
President appears to
have been granted
for the erection of
the scaffolding.

I shall be disposed not to dispute the charge which I shall submit for the consideration of the Citizens. Should C. not be able to explain the matter to my Council. N.

P. W. Department
No. 1890
Proceedings of the Madras Government
Under date the 18th July 71

Read the following

From
Supdg Engr 4th Division / Mr. C. No. 1329 / 28th June 71

The Supdg Engineer
will be directed to inform
the President of the
Municipal Commission
that as the scaffolding
erected in front of the
Small cause Court did
not project beyond the
ramps leading to the
doorways, and so could
not cause any obstruction
to the street or footways
because no traffic was
possible where the
scaffolding stood, the

Govt. do not consider the claim to a fee made by the Municipality to be in accordance with section 181 of Act IX of 1867.

J. 12th

No. 1/1 Dated 19/7/71

To The Supdg. Engr. Lr. Dn. Circle
" Exb. Depts. Sketch thereof

Depty. 19/7/71

To The Superintending Engr.
4th Division

Dated

Recd.

G. S. 18th July 1871, No. 1890.

Nos. 294 & 295

Fee - The S. Engr. of the 4th Div.
directed to inform the Resident
of the Municipal Commissioners,
that ~~the claim to a fee by the~~ Municipality's claim
to a fee, on account of the fol-
-lowing cases in front of the
Small Cause Court is not in
accordance with the section 181
of Act IX of 1867 -