M.R.O. 1—77,006—8-9-37

(1) Number of pages _____

(2) Date of repair _____

3. Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

PUBLIC WORKS DEPARTMENT.

G.O. No. 3197 Press Mis.

Dated 1 18 1 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 20th December 1871.

No. 335. Read the following letter from the Officiating President of the Municipal Commission, Madras, to the Secretary to Government, Public Works Department, dated Madras, 13th November 1871, G, No. 367:—

I HAVE the honour, with reference to G. O, No. 1,288, in the Public Works Department, dated the 11th May 1871, to submit, for the consideration of the Right Honourable the Governor in Council, the following observations on the subject of the encroachment by the Railway Company on the General Hospital road.

2. I observe that the Agent and Manager of the Madras Railway Company, in his letter to the Acting Consulting Engineer for Railways of the 27th August 1870, No. 476, recorded in the Proceedings of Government, Public Works Department, dated 11th May 1871, makes no reference whatever to the fact pointed out by Colonel Denison in paragraph 4 of his letter to Government of the 2nd July 1870, E, No. 423, that the piece of land, to the enclosure of which by the Railway Company he takes exception, is the property of the Municipality, having been made over to the public for the purpose of widening the roadway when the town wall was removed at that particular spot, and that it consequently became vested in the Municipal Commissioners under the provisions of Act IX. of 1867. I conclude, therefore, that I am justified in assuming from his silence on this point that the Company recognizes the right of the Municipality to this land, and is prepared to pay such sum as may be agreed on for it in the event of Government deciding that it is absolutely required for the purposes of the new station, and may be made over to the Company without prejudice to the public convenience.

3. The Commissioners, however, trust that it may not be found necessary to include any considerable portion of it within the railway boundary wall, as they feel satisfied, so far as the convenience of the public is concerned, that too much width can scarcely be given to the roadway in front of the new station, even though the whole of it may not be required for the wheeled and other traffic passing along it As bearing upon this point the Commissioners are quite prepared to admit the correctness of the remark made by the Agent and Manager of the Madras Railway, in paragraph 3 of his letter already referred to, that the interests of the Railway Company as regards this question are identical with those of the public, but they cannot think that these interests will have received equal consideration if the Company is allowed to take up any more of the public land than it actually requires in order to conduct its traffic operations efficiently.

4. The Commissioners consider that they have every reason to believe that such will be the case, if they have been rightly informed, as to its being the intention of the Company to lay out a portion of the ground in front of the station as an ornamental shrubbery. They altogether fail to comprehend how such an appropriation of the land can be looked on either as necessary for the efficient working of the railway traffic, or as made in the interests of the general public, who will, they understand, be separated from this decorative planting by a substantial masonry wall of some 7 feet in height.

5. Referring to the latter part of the order of Government of the 11th May last, I am to state that the Commissioners have no proposal to make at present for widening the General Hospital bridge. They are of opinion that this is a work which should be undertaken by Government rather than by the Municipality; but when the time comes for taking up seriously the question of affording increased accommodation to the traffic crossing the canal at this point, either by widening the present or building a new bridge, as they feel certain it must do before very long, they will be prepared to consider what proportion of the cost, if any, should be borne by the Municipal fund.

6. It will however, under any circumstances, fall to the Municipality to make the approaches to the bridge when widened, and these should certainly consist of a broad metalled roadway with foot-paths on either side. Supposing the bridge to be increased in width by 31 feet on the side of the terminus or to 64 feet in all, and this would not be more than sufficient for the traffic passing over it, the metalled portion of the roadways leading to it would require to be at least 40 feet in width with 12 feet foot-paths on each side It is true that a roadway of this width could be formed, as pointed out by Mr Elwin, without infringing on the line of the proposed railway boundary wall, but this would then be in a line with the northern parapet wall of the bridge, which would certainly not have a good effect, whilst it would be a decided advantage to have it set back some distance, and a still greater if it could be built on the line which forms the present northern boundary of the Municipal land

7 With regard to the statement made in paragraph 4 of the letter from the Agent and Manager of the Madras Railway, "that a clear space of 92 feet 6 inches is afforded for the width of the public road between the proposed Railway boundary wall and that of the General Hospital," I would remark that though there is no doubt there would be a space of this width between the two walls in front of the Railway terminus, only a portion of it can be considered as really available for the purposes of a roadway, in consequence of the Police Tannah and that portion of the General Hospital wall which extends to the east of it having been built 23 feet and 20 feet respectively, to the north of that part of the General Hospital wall which lies to the west of the tannah and fronts the Railway terminus

8 I have the honour to return, herewith, as requested the plan which accompanied the copy of the Proceedings of Government forwarded to me, and to apologize for the delay which has occurred in the submission of my remarks on the letters recorded in the same Proceedings.

No. 336 ORDER THEREON, 20th December 1871, No. 3,197.

RAILWAY, No 54

BEFORE passing final orders on the subject of this letter the Government desire to be furnished with such evidence as the Officiating President of the Municipal Commission may be able to

Municipal Commissioners' Office,

G. O. 3367

3

Proceedings of the Madras Government, Public Works Department,
20th December 1871.

adduce in support of the statement, contained in paragraph 4 of Colonel Denison's letter recorded with G. O, No. 1,903, dated 10th August 1870, in regard to the land in dispute having been made over to the Municipal Commissioners.

(True Extract.)

Colonel, R.E,
Secretary to Government.

To the Officiating President of the Madras Municipal Commission
,, the Acting Consulting Engineer for Railways

Municipal Commissioners' Office,
Madras, 1st Sept. 1871

Ge. No 367

.5

From

John D. Koch Esquire
Officiating President
Municipal Commission
Madras

To Lieut. Col. Campbell RE
Chief Engr to Government
Public Works Department

Sir,

I have the honor with reference to your letter No 1253 dated the 11th May 1871 to submit for the consideration of the Right Honorable the Governor in Council the following observations on the subject of the encroachment by the Railway Company on the General Hospital Road.

2. I observe that the Agent and Manager of the Madras Railway Company in his letter to the Acting Consulting Engineer for Railways of the 27th August 1870 No 476 recorded in the proceedings of Government Public Works Department dated 11th May 1871 makes no reference whatever to the fact stated and by Col. Morrison in para 4 of his letter to Government of the 2nd July 1870 Ge. No 423, that the fence

P.T.O.

of Land & the Municipality
by the Railway Company & takes exception
to the property of the Municipality having
been made over to the public for the purpose
of widening the Bunder when the same wall
was removed at that particular spot, and
that it consequently became vested in the
Municipal Commissioners under the provisions
of Act IX of 1865. I conclude therefore that
I am justified in assuming from his
silence on this point that the Company
recognises the right of the Municipality
to this Land and is prepared to pay such
sum as may be agreed upon for it in the
event of Government deeding that it is
absolutely required for the purposes of
the new station, and may be made over to
the Company, without prejudice to the public
convenience.

3. The Commissioners however
trust that it may not be found necessary
to include any portion of it,
within the Railway boundary wall as they
feel satisfied so far as the convenience
of the public is concerned that too much
width can scarcely be given to the Roadway

in front of the new station even though
the whole of it may not be required for
the wheeled and other traffic passing
along it. As bearing upon this point
the Commissioners are quite prepared
to admit the correctness of the remark
made by the Agent and Manager of
the Madras Railway in para 3 of his
letter already referred to, that the
interests of the Railway Company
as regards this question are identical
with those of the public, but they
cannot think that these interests will
have received equal consideration if the
Company is allowed to take up any
more of the public land than it
actually requires in order to conduct its
traffic operations efficiently.

4. The Commissioners consider
that they have every reason to believe
that such will be the case if they
have been rightly informed as to its
being the intention of the Company
to lay out a portion of the Ground in
front of the station as an ornamental

Shrubbery.

Shrubbery. They call it & fail to
comprehend how such an appropriation
of the land can be looked on either as
necessary for the efficient working of the
Railway traffic or as made in the interest
of the general public who will, they understand,
be separated from this decorative planting
by a substantial masonry wall of some
7 feet in height.

5 Referring to the latter part of
the order of Government of the 11th may last
I am to state that the Commissioners have
no proposal to make at present for widening
the General Hospital bridge. They are of
opinion that this is a work which should
be undertaken by Government rather than by
the Municipality, but when the time
comes for taking up seriously the question
of affording increased accommodation to the
traffic crossing the Canal at this point
either by widening the present or building
a new bridge as they feel certain it
must do before very long, they will be
prepared to consider what proportion of the
cost, if any, should be borne by the Municipal
Fund.

6. It will however under-

any circumstances fall to the Municipality
to make the approaches to the bridges
when widened, and this should certainly
consist of a broad metalled roadway
with foot paths on either side. Supposing
the bridge to be increased in width by
31 feet on the side of the terminus or to
64 feet in all, and this would not be
more than sufficient for the traffic
passing over it, the metalled portion
of the Roadways leading to it would
require to be at least 40 feet in width
with 12 feet footpaths on each side.
It is clear that a roadway of this width
could be formed as pointed out by
Mr. Elwin without infringing on the
line of the proposed Railway boundary
wall, but this would throw in a re-
curve with the Northern parapet wall
of the bridge, which would certainly
not have a good effect, whilst it would
be a decided advantage to have it set
back some distance, and a still greater
if it could be built on the line which
forms the present northern boundary
of the Municipal Land.

With

7. With regard to the statement made in para 4 of the letter from the Agent and Manager of the Madras Railway "that a clear space of 92 feet 6 inches is afforded for the width of the public road between the present Railway boundary wall and that of the General Hospital" I would remark that though there is no doubt there would be a space of this width between the two walls in front of the Railway terminus, only a portion of it can be considered as really available for the purposes of a roadway in consequence of the Police Barrack and that portion of the General Hospital wall which extends to the east of it having been built 23 feet and 20 feet respectively to the north of that part of the General Hospital wall which lies to the west of the Barrack and fronts the Railway Terminus.

8 I have the honor to return herewith as requested the plan which accompanied

Public Works Deptt
No 3197
Proceedings of the Madras Govt
Read the following

From

The Offg President
Municipal Commissioner
Madras

(R Cons 367 of 13 October 1871)

Before passing
final orders on the subject of this letter the
Government desire to
be furnished with such
evidence as the Officiating
President of the Municipal Commission may
be able to adduce in
support of the statements
contained in paragraph
4 of Colonel Denison's
letter

From the Offg President Municipal Commissioner Madras dated 13th November 1871 No 367.

For Orders.

I cannot find any authority for the Watermark in favor of Colonel Denisons letter recited with G.O. No 1903 - 10th August 1870, that the land which the Municipality now claims was given up by the Government of Madras for a public roadway - If the land had ever been formally

Immediate steps
shew if Govt the
will of the widow
calculated by the
land was in addition
advanced towards
the cost of
is completed
the cost of
want of the
and for the
and that the Govt
are not advised that
the Watermark of

letter recorded with G.O.
No 1903 dated 10th August
1870, in regard to the
land in dispute having
been made over to the
Municipal Commissioners.

H. H. Dec.

To
The Offg President of the
Madras Municipal Comrs
" C. Engr for Offr
Decr 20/12/71.

formally vested in the Mu-
nicipality they would I
think have a claim to
compensation from the
Railway Company,—
but on the other hand
they do not appear to
have any other good reason
for wishing to prevent the
Railway Company hav-
ing the advantage of
enclosing it, as there
is more than ample
space remaining for
as large an approach
as any bridge that will
ever be constructed could
require.

J.
23 Nov.

has any valid
founded claim to any
portion of the Shore
until the Railway
shall be—in future—conclu-
ded. I would therefore
the Municipality &
the Company to fight
the matter out at
Law if they like.

I quite concur
with the Chief
Engr should have the
land. But I shall
first take advice upon the
Legal question of the
Chief Secretary's
Department. But we must
differ with the Chief Engr
the Land they require

A/A

& that if a suit
was brought, but very
likely I admit, that
would be brought on
a frivolous plea. But
I should object
to a deed with all
Enclosure & Railings
would be unsightly
I think.

L. B.S

Rec'd July 5th 1871 No 390-395
" 10th Aug — — 150-154
" 11th Aug 71 — 171-175

No 1871. Despatch.
Prov. Govt. Ottawa
No 5435.

From.
The Offg. President
Municipal Council

Dated 13th November 71
Recd 14th

No 367

Sir I

Have the honor to submit for observations on the subject of the encroachment by the Madawaska Railway Company on the General Hospital road
No 3197-1971

No 335
25th Nov 71 R 28

25th Nov 71 R 25

Rec'd July 5th 1871 No 390-395
" 10th Aug — — 150-154
" 11th Aug 71 — 171-175

No 1871. Despatch.
Prov. Govt. Ottawa
No 5435.

From.
The Offg. President
Municipal Council

Dated 13th November 71
Recd 14th

No 367

Sir I

Have the honor to submit for observations on the subject of the encroachment by the Madawaska Railway Company on the General Hospital road
No 3197-1971

No 335
25th Nov 71 R 28

25th Nov 71 R 25

accompanied the Copy of the Proceedings
of Government forwarded to me—
and to apologise for the delay which
has occurred in the submission of
my remarks on the Letters recorded
in the same Proceedings.

I have the honor to be,
Sir,
Your most obedient Servant
Alex. Kerr
Officiating &c

No 25 Inclosure B. 25

1

G/No. 5435

Govt of 1871 Madras.

PUBLIC WORKS.

To The President of the
Madras Municipal
Commission

Dated

Read 1

G.O. 19 Dec. No. 3197.

Nos. 235 & 236

Read the letters from the
Madras Municipal Commissioners
requesting permission for such con-
veyance as may be necessary for the
duties of their office and the
establishment attached to the Fire Engine
have been made over to
the Municipality.