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MADRAS RECORD OFFICE

Government of Madras

Public works. DEPARTMENT

G.O. No.	303	Press
B.P. No.		Mis.
137-138		
Dated	7-2-1874	195.

Not to be folded or roughly handled

No. 137. Read the following letter from P. P. HUTCHINS, Esq., Honorary Secretary, Madura Racket Club, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madura, 12th January 1874:—

I HAVE communicated to the members of the Madura Racket Club the offer made by Government in their Proceedings of the 8th ultimo, No. 2,962, to build a new Racket Court at a cost of Rupees 4,200 so soon as a moiety of that sum has been raised by private subscription. I have also laid before them all the correspondence. The sum to be raised is considerable, and the members doubt if the correspondence has put their claims in a proper light. They have therefore directed me, in the first instance, (of course without prejudice to the legal question,) to make a further appeal to the equitable liberality of Government.

2. It is now conceded that the Court was built at the expense of the European community of Madura, and has been enjoyed and kept in repair by them, openly and as of right, for more than half a century. There are now eight resident members of the Club, and four or five members stationed in other parts of the district, who come into Madura occasionally. In 1872 and 1873 the present Court was twice repaired at the expense of the present members. It is not yet a twelvemonth since the floor and back or west wall were put into thorough repair under the personal direction of the District Engineer himself. The offer now made by Government will have the effect of throwing on the same eight or twelve members the burden of contributing a further sum of more than 2,000 Rupees. We have had the Court handed down to us by our predecessors as a trust to be kept in due preservation and handed on to our successors. Instead of this, under the present offer, we are under the necessity either of neglecting the trust and our duties to our successors, or of paying down 2,000 Rupees entirely for their sake. For what will be eventually received by the payment are advantages which we ought still to be enjoying, but of which we have just now been deprived by the action of Government; and when after 18 or 24 months the new Court is completed, very few of the members now asked to contribute will in the ordinary course of events be left in the district to enjoy it.

3. Without enlarging on our legal position, I am respectfully to point out that the admitted fact that the west and north walls once formed part of the palace does not at all dispose of the question. The Government cannot have forgotten that the palace had long been abandoned as a public property. We are much in the same position as those house-owners who have built their houses against the north of the palace, and they will certainly receive the full value of their tenements when they are taken up, as they will be under the Act, for public purposes. But there is a still more appropriate illustration and precedent. On the west of the west wall and adjoining the new District Magistrate's Court were originally one or two native huts or houses. These in point of fact occupied a precisely similar position to that of the Racket Court, and were separated from it only by its west wall. I have not been able to obtain all the exact particulars, but when these were removed the owners were certainly paid the full value and much more, viz., a sum of 3,000 Rupees. We can hardly suppose the Government will deal less liberally with their own servants than with native squatters.

of the present members: It is not yet a twelvemonth

Proceedings of the Madras Government, Public Works Department,
7th February 1874.

4. In several Cantonments the Supreme Government as well as the Madras Government have built Racket Courts at their own expense for the use of their servants. Here the European community have themselves built one and kept it up for more than 50 years. I am respectfully to submit whether it does not seem rather harsh treatment, even assuming it to be legal, to take away our Court and to throw on the two or three Europeans, who may fairly expect to use the new Court, the burden of paying half the cost, and to refuse any compensation except and until such half of the cost has been actually collected.

5. In their Proceedings the Government have been pleased to state that the tone of my letters seems inconsistent with my judicial position. I much regret that I should have brought upon myself such a censure, and have carefully read the letters, with Colonel Roberts', to see wherein I or the Committee offended. In their second letter the Committee should certainly have acknowledged that Colonel Roberts had so far sheltered himself as to have involved Mr. Chisholm in the same responsibility, but that did not in the least affect our position, which was that we would not allow our rights to be disturbed by both or either without the orders of Government. I did not think it necessary to point out that I was not acting as a Judicial officer. I presume there can be no objection to a Judicial officer acting as Secretary to a Club in which he is interested, and where a Club has rights and they are violently infringed its Secretary is bound to uphold them. I was of course well aware that whether as Secretary, or as a party interested, I should be equally debarred from taking cognizance of any legal proceedings if the matter came to that. In refraining from continuing what would inevitably have become an angry correspondence, I feel sure the Committee acted wisely. In conclusion, I trust it is hardly necessary to state that we had the best possible grounds for all the statements which the District Engineer terms "allegations."

No. 138.

ORDER THEREON, 7th February 1874, No. 303.

CIVIL WORKS, No. 8.

ON further consideration of the question of the Racket Court at Madura, His Excellency the Governor in Council

is pleased to sanction full compensation for the Court of which the residents have been deprived owing to the restoration of the Palace. And the District Engineer will accordingly arrange for the immediate construction of a new Court on the Consulting Architect's estimate of Rupees 4,200, reporting the sum that can be spent during the current year which will be transferred from the Provincial allotment of Rupees 10,000 for restorations to the Madura Palace.

(True Extract.)

Colonel, R.E.,

Secretary to Government.

To the District Engineer, Madura.
.. Inspecting Engineer for Civil and Military Buildings.
.. Consulting Architect.
.. Honorary Secretary to Committee, Racket Club.
.. Officiating Controller of Public Works Accounts.
Ed. S. T. Austin.
Spare Copies

3M
I have communicated to the members of the Madras Racket Club the offer made by Government in their Proceedings of the 26th June 1872, to build a new Racket Court at a cost of Rupees 4,200, so soon as a majority of that sum has been raised by private subscription. I have also laid before them all the correspondence. The sum to be raised is considerable and the members wish if the correspondence has put their claims in a proper light they have therefore directed me in the first instance (if possible without prejudice to the legal question) to make a further appeal to the liberality of Government.
It is noticed that the Court was built at the expense of the European Community of Madras and has been enjoyed and kept in repair by them, openly and as of right, for more than half a century. There are now 8 paid and 10 members of the Club and 100 members are stationed in other parts of the District who come into Madras occasionally. In 1872 and 1873 the present Court was twice repaired at the expense of the present members. It is not yet a twelve months

months since the floor and back or west wall
were put into thorough repair under the personal
direction of the District Engineer himself. The
offer now made by Government will have the
effect of throwing on the said 8 or 12 Members
the burden of contributing a further sum of more
than 2000 Rupees. We have had the Court handed
down to us by our predecessors as a trust
to be kept in due preservation and handed
on to our successors. Instead of this, under
the present offer, we are under the necessity
of having to pay the trust and other duties
of the Court and of paying down 2000 Rupees
entirely for their sake. For what will be virtually
received by the paymaster as advantages which
we ought to be enjoying. But of which have
just been deprived by the action of Government
and which after 18 months the new Court
is to be placed as a gift of their Members and
of the Government will in the ordinary course
of course be left in the District to enjoy it.
Without having any legal
position and respectfully to point out that
the admitted fact that the front and north walls
and a part of the Palace does not at all
dispose of the question. The Government has
been forgetting that the Palace has long been
a sacred and public property. It is a residence
in the same position as these houses of
who have built them, but against the North

of the Palace and they will certainly receive
the full value of their tenements when they are
taken up, as they will be under the act for public
purposes. But there is a still more appropriate
illustration and precedent. On the south of the
west wall and adjoining the said District Magis-
trate's Court were originally one or two native
huts or houses. These in point of fact occupied
a precisely similar position to that of the
Rack Court and were separated from it only
by its west wall. I have not been able to obtain all
the exact particulars, but when these were
removed the owners were certainly paid the full
value and much more, viz. a sum of 3000 Rupees.
We can hardly suppose that Government will
deal less liberally with their own servants than
with native squatters.

In several Cantonments the Supreme
Government as well as the Madras Government
have built Rack Courts at their own expense
for the use of their servants. Here the European
Community have themselves built one and kept
it up for more than 50 years. I am respectfully
to submit whether it does not seem rather harsh
to treat it even assuming it to be legal, to take
away our Court and to throw on the two or three
Europeans who may fairly expect to use the
new Court the burden of paying half the cost
and to refuse any compensation except and until
such

such as of the cost has been actually
satisfaction. I am sure that in their proceedings the Government
have been pleased to state that the tone of
my letter seems inconsistent with my
judicial position. I much regret that
I should have brought upon myself such a
censure and have carefully read the letter
with a feeling of regret to see, where in
I or the Committee offended. In their
second letter the Committee should
certainly have acknowledged that Colonel
Roberts had so far shotten himself
as to have involved Mr Whisholm in the
same responsibility but that did not in
the least affect our position which was
that we would not allow our rights to be
disturbed by either with or without
the orders of Government. I did not think
it necessary to point out that I was not acting
as a judicial officer. I presume there can
be no objection to a judicial officer acting
as Secretary to a Club in which he is
interested and where a Club has rights
and they are violently infringed its Secretary
is bound to uphold them. I was of course well
aware that whether as Secretary or as a party
interested I should be equally debarred from
taking

7M
taking cognizance of any legal proceedings,
if the matter came to that. In refraining
from continuing what would inevitably have
become an angry correspondence I feel sure
the Committee acted wisely.
In conclusion I trust it is hardly
necessary to state that we had the best
possible grounds for all the statements in
which the District Engineer terms "allegations".

I have the honor to be
Sir,
Your Most Obedient Servant

Public Works Dept. - Metropolitan
Liquor Board - City
8-20-08

Public Works Department

Letter from the Honorary Sec-
-etary, Madras Race & Club,
dated 12th January 1874.

If Roux Peter built the
court - it was undoubtedly
built out Gov. money - the
proceeds of his large ^{estate}
robbery of the public Treasury
It is true that the
case is a hard one - but
the Gov. is liberal and the
Com. attitude depart

211
Fort St George
Jan'y 1894.

Circulated for
orders with all for-
mer papers.

C. M. Walker Col U.S.A.
 Secy: of Government
 S. H. D.

I think no doubt
his wife would
be true.

to the
J.H.L. 1893
Alfred
and to the
J.H.L. 1893
Alfred
and to the

J. W. Sept 11/71

No 303

Proceedings of the Madras Government

Under date the 18/4

Read the following

From the Honorary Secretary
Madras Cricket Club.

Forerunner No 2/12. January 18/4

On further consi-
deration of the ^{question} ~~position~~ of
the Cricket Club at Madras

His Excellency the Governor
in Council is pleased to
sanction full compensation
for the Court of which
^{residents} they have been deprived
owing to the restoration
of the Palace. And the
District

No 208

Mr

District Engineer will
accordingly arrange for the
immediate construction of
a new Court on the Con-
-sulting Architects Estimate
of Rupees 4,200, reporting
the sum that can be spent
during the current year
which will be ^{transferred} ~~provided~~ from
the Provincial Land Settlement
of Rs 10,000 for res-
toration to the
Madura Palace -

Lymer

he-s. desps only to Dy. Insp. Madras 7/2/74.
P.C. — to all 27/2/74.

To
The Dist. Eng. Madras
" Insp. Eng. for Buildings
" Comm. Architect
" Honorary Secy to Committee,
" Controller of Public Works.

li 3/4/74

Ch 208 H
Govt. of 1874 Madras.
PUBLIC WORKS.

*The District Commr.
Madras*

Dated

Recd.

Encl.

G. O., 7th July, No. 303.

Dec 13/74

Packet Court at Madras.

Sanctioning full compensa-
tion for the Court & directing
the Commr. to arrange for
the immediate construction
of a new Court on the Commr.
Architect's estimate of
Rs: 4200 and ~~allowing~~ ^{respecting a}
report of the amount that
can be expended
during the current year.