

MADRAS RECORD OFFICE.

Government of Madras.

Public **DEPARTMENT.**

G.O. No.

1422

Press
~~Mis.~~

Dated

13-11- 18*67*

Not to be folded or roughly handled

Sd/-
31/10/56

*Proceedings of the Madras Government, Public Department,
13th November 1867.*

Read the following papers:—

No. 88. Proceedings of Government, Revenue Department.

Communicating letter from the Collector of Trichinopoly, applying for a special grant for converting the fortifications at Trichinopoly into a boulevard. } (Dated 27th September 1867, No. 2262).

No. 89. Proceedings of Government, Revenue Department.

Communicating Advocate General's opinion as to the power of Government to enforce the conditions of sale of certain building sites at Trichinopoly. } (Dated 15th October 1867, No. 2419.)

No. 29.

No. 90. MEMORANDUM.

The undersigned has the honor to inform the Chief Secretary to Government, in reply to his Memorandum of the 19th October 1867, No. 315, that, as the whole of the budget assignment for public works in this Presidency has been allotted, no funds are at present available for appropriation to the improvement of the town of Trichinopoly.

FORT SAINT GEORGE,
22nd October 1867.

(Signed) C. A. ORR, Colonel, R. E.,
Secy. to Govt., D. P. W.

To the Chief Secretary to Government, Fort Saint George.

No. 91. ORDER THEREON, 13th November 1867, No. 1422.

In the letter recorded in the Proceedings of Government, Revenue Department, under date the 27th September last, the Acting Collector of Trichinopoly represents that the proceeds of the sale of building sites at Trichinopoly having been, by Order of Government, paid into the Treasury in 1863, and the hewn stone in the fortifications being required by the Department of Public Works, there are not sufficient funds available for carrying out the scheme for converting the fortifications at Trichinopoly into a boulevard, and making other improvements; the Acting Collector requests, therefore, that the Government will be pleased to sanction a special grant for this purpose, in accordance with the terms of the Order of Government, dated 28th February 1863.

2. In August last, Government made over to the Municipality the lands included in the moat, and placed convict labor, free of charge, at the disposal of the Commissioners (and contributed 25 per cent. of the sum voted by the Commissioners) for the commencement of the project.

3. Funds are not available for appropriation from the budget assignment for public works; the Government resolve, therefore, to place at the disposal of the Commissioners one half of the valuable hewn stone available in consequence of the demolition of the Fort ramparts. The Commissioners are, accordingly, authorized to sell, or otherwise utilize, one half of the stone available, the remainder being left at the disposal of the Department of Public Works.

(True Extract).

Chief Secretary.

To the Collector of Trichinopoly.

„ Revenue Department.

„ Public Works Department, with Proceedings, Nos. 2262 and 2419.

Exd. J. H. Burns.

My dear Ellen
I am in the
position, that I am
of the same mind as the
Union of the two
which is the result of
the whole of the
the whole of the
the whole of the
the whole of the
the whole of the

*Proceedings of the Madras Government, Revenue Department,
15th October 1867.*

No. 291. Read the following letter from the Government Solicitor, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 8th October 1867, No. 653 :—

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, with its enclosures, requesting the Acting Advocate General's opinion as to the power of Government to enforce the condition of sale of certain building sites in Trichinopoly relating to the erection of buildings according to the specified plan.

2. I have submitted the matter for the consideration of the Acting Advocate General; and

3. I now forward a copy of his opinion on the subject, and also return the enclosures above noted.

OPINION.

I am of opinion that the last clause of the Certificate submitted with this reference constitutes a binding obligation on the parties holding under it to "construct a terraced verandah as shewn in the Engineer's plan;" and that by means of the conditions of sale this plan can be identified as being the plan referred to in those conditions. The only mode of enforcing the obligation is by an action for specific performance. The land cannot be recovered in consequence of the breach of covenant.

(Signed) J. D. MAYNE,
Acting Advocate General.

5th October 1867.

No 292. ORDER THEREON, 15th October 1867, No. 2,419.

Miscellaneous.

1. Ordered to be communicated to the Acting Collector of Trichinopoly, with reference to his letter dated 14th August 1867.

2. He will forthwith take the necessary steps to enforce specific performance of the conditions of sale.

(True Extract.)


Secretary to Government.

To the Acting Collector of Trichinopoly.

„ the Government Solicitor.

„ the Board of Revenue, with G. O. 27th September 1867, No. 2,262.

„ the Public Department.

ch
fur.
reas

- 14th May 1860. No. 768.
28th Feb. 1863, „ 435.
8th June „ „ 983.

* To be returned.

7. It remains to be considered what step ought now to be taken. Here is the finest, I may say the only existing good site in proximity to the town, which the Government went to considerable trouble to sell with the express understanding that the town was to be thereby improved and benefited by the erection on it of a

ch
fur.
reas

No 1676

Communicating through
several opinions with a few
to the Egyptian Museum
Indication of plant of Sicily
"Chenopodium" is a new species
Place them. -

1881. J. Bird
ed. 1881.

• *Proceedings of the Madras Government, Revenue Department,
27th September 1867.*

creditable set of bazaars here is this site, the greater part of it lying still unoccupied, and the remainder spoilt by a collection of disreputable huts. This site would suit admirably for the erection of our new Civil Dispensary building, and the project is delayed because we cannot find another site at all suitable. The purchasers, making the most of the ambiguously worded certificates so injudiciously issued to them, will not build the projected bazaars, but at the same time I have reason to believe they would be willing to relinquish the land on refund of perhaps a moiety of the purchase money.

8. I do not know what view the Government may be pleased to take, nor am I prepared to say what may be the exact legal effect of the "Terms of Sale" and the Certificates, worded as they are, but, in my humble opinion, the Government should use every legal means to recover the land without refunding the purchase money, on account of the wilfully inequitable breach of their contracts by the purchasers, and, to that end, I would recommend that the papers be laid before the Government Law Officer, and his opinion taken as to whether actions would lie thereon.

9. The instructions conveyed in paragraph 3 of the Government Order of the 14th May 1860, No. 768, I have good reason to believe have not been kept in view, and that various encroachments have since occurred. This subject is now under strict enquiry, and to assist me therein, I beg the Government will forward to me the report, measurements, statements, and plans, submitted in original to Government with Mr. J. Bird's letter of the 7th April 1860, No. 11, as I have not been able to find any copies of the same on record.

10. I request that the attention of Government may be speedily and especially directed in the Public Department to the concluding part of paragraph 6 and to paragraph 8 of the above Order, in connection with paragraph 2 of the Order of 28th February 1863, No. 435, with reference to my letter of the 1st August 1867, No. 32, wherein I requested, on behalf of the Town Commissioners, that just such a special grant as I now find the Government have already sanctioned should be granted to them, to enable them to undertake the large work referred to in paragraph 5 of the Government Order of 1860.

11. It will be observed that in the first Order it was the intention of the Government that the proceeds of the sales of all building lots and of the surplus fort stones should constitute a fund to be held by the Collector, and expended by him on improvements, but that this arrangement was modified in the Order of February 1863, Government nevertheless engaging "to grant funds in the usual way for farther improvements."

No. 449.

ORDER THEREON, 27th September 1867, No. 2,262.

Miscellaneous.

1. Ordered that the above letter, with copies of the former papers quoted, be referred, through the Government Solicitor, for the opinion of the Acting Advocate General, as to the power of Government to enforce the condition of sale of the building sites in question relating to the erection of buildings on the specified plan.

*Proceedings of the Madras Government, Revenue Department,
27th September 1867.*

2. The original enclosures to Mr. Bird's letter of 7th April 1860, referred to in paragraph 9 of the above letter, will be sent to the Acting Collector, to be returned when no longer required.

3. Paragraphs 10 and 11 will be considered in the Public Department.

(True Extract.)

Secretary to Government.

To the Government Solicitor.
.. the Acting Collector of Trichinopoly.
.. the Public Department.

Exd. S. T. Augustin.

No 29.

Memorandum

The undersigned has the honor to inform the Chief Secretary to Government, in reply to his Memoir of the 19th October 1867, No 315, that as the whole of the budget assignment for public works in this Presidency has been allotted, no funds are at present available for appropriation to the improvement of the Town of Trichinopoly.

Wm. A. R. Colonel R.E.

Fort St. George, Secretary to Govt.
22^d October 1867. Public Works Dept.

To The Chief Secretary
to Government.

Advt No 21st Aug 1867
1867 1868 1869

Public Works Dept

Dec - 14 May 1868.

Nov 29 @ 29.

28 February 1863

Nov 624 - 625

Nov 1867 1868
Nov 27 62

Nov 1867

Nov 1867

Commencing with
from the Collection of
reports regarding the
locality of the
inhabitant within the
the Government, the
the Government, the

C 26 Oct 1844

90

Public Department

PROCEEDINGS of the MADRAS GOVERNMENT

Read the following paper

Govt Sec. Departe. The rate of Sept 1844 to Dec 1844. 22 Dec 1844

Order thereon

In the above letter the Acting Collector of Trichinopoly represents that the proceeds of the sale of building sites at Trichinopoly having been by order of Govt paid into the Treasury in 1843, and the known sum in the fortifications being required by the Department of Public Works and not sufficient funds available for carrying out the scheme for converting the fortifications at Trichinopoly into

I don't think this will do. The govt. and the take some des. lands measure with govt. some des. lands in the hands of the Acting Collector. The revenue is not sufficient to build the site. It is certain that the D. P. W. require the

Public Secy Dept

Secy

Secretary of Govt. Dept

10.11.44

2253 Dec.

20/12/44

State that two funds are available for use: Government of the two of Trichinopoly

into a boulevard, and making other improvements, the Acting Collector requests therefore that the Govt will be pleased to sanction a special grant for this purpose in accordance with the terms of the Order of Govt dated 28th February 1863.

2. In August last Govt made over to the Municipality the lands included in the hoard, placed Council labor free of charge at the disposal of the Commissioners, and contributed 25 per cent of the sum voted by the Commissioners for the commencement of the project.

3. ~~Amount~~ ^{are not} funds available for appropriation from the Budget assignment for Public Works; the Govt ~~regret~~

wholes of the valuable heavy stone estimated at 2 lakhs could not be put to use for the benefit of the Town. The completion of the original design. When I have the question discussed in Council.

The program can be considered in Council, it being ascertained in the first instance from Council for whether any of the heavy stones can be employed by the Govt.

* resolve ^{therefore} to place at the disposal of the Commissioners one half of the valuable heavy stone ~~of the fortifications~~ available in consequence of the demolition of the ^{fort} ramparts. The Commissioners are accordingly authorized to sell or otherwise utilize as much of the stone available, the remainder being left at the disposal of the Dept. of Public Works.

Collector of Trichinopoly.
Revenue Dept.
Public Works Dept.

regret that they cannot comply with the request made by the Acting Collector, but provision will be made in the Public Works Budget estimate for the ensuing year for a suitable grant for the purposes above specified.

by A.

*Proceedings of the Madras Government, Revenue Department,
for the month of May 1860.*

Read the following papers:—

No. 27. From J. BIRD, Esq., Collector of Trichinopoly, to J. D. BOURDILLON, Esq., Secretary to Government, Fort Saint George, dated 7th April 1860, No. 11 :—

In furtherance of my letter No. 10 of date the 21st ultimo, I do myself the honor to submit in original the Report, Measurement Statements and Plans, drawn up by the Deputy Collector in result of the inquiry instituted by him into encroachments made on the Enceinte, Ditch and Glacis of the Trichinopoly Fort. As also of the same with reference to the old Cantonment of Warriur.

2. The Deputy Collector has taken great pains with his investigation, and his Statements exhibit the exact area of every plot of ground occupied or unoccupied, both inside and outside the Fort Ditch. His Statements should be examined with the rough plan of the ramparts, when the whole subject will be quite clear and easily understood.

3. It will be observed that the greater proportion of the land is waste, and belongs to Government. That much of it is held by individuals by right of purchase and mortgage and so forth. But the Deputy Collector questions the Title of the original parties to sell or otherwise dispose. Many plots too are held by long possession. While the entire occupancy ranges over a space of from five, to forty and even sixty years. A period of itself giving to the person in possession a valid title, and qualifying each to compensation if ejected.

4. The same remarks apply to the site of the old Artillery Barracks and Cantonment at Warriur.

MINUTE BY THE HONORABLE THE PRESIDENT.

No. 28. THE subject of the accompanying Papers is explained in the following paragraph of my Minute, dated the 28th of January last :—

“ The Fortifications which encircled the Rock and the old Town, and made this our chief stronghold in the South of India, have been completely dismantled. In their present state they are a receptacle for every kind of filth ; and, no doubt, largely contribute to the fever and cholera with which Trichinopoly has of late years been afflicted. They ought to be converted into a broad Boulevard, or Circular Road, as has been done with great public advantage in so many European places, under similar circumstances. An annual appropriation should be made for the purpose, till the work is completed ; the prisoners from the large jail on the glacis might assist ; and as each section was finished, the land on either side of the road might be sold in building allotments. Latrines should be constructed at proper intervals, and the sewerage should be carefully attended to. As the public property in connection with the Fortifications is daily encroached upon, I arranged with the Collector that it should be surveyed, and that its present limits should be ascertained. The old bomb-proof Barracks opposite to what was once the Seringham Gate, had recently been sold for 1,300 Rupees. These are in the centre of one of the principal approaches to the City ; but the two persons who had purchased them expressed their readiness to restore them and to take back the purchase money.”

The Survey and investigation of Titles has been made by the Deputy Collector, Sundaram Pillai, and he deserves an expression of our satisfaction for the care and ability with which he has executed his task. By an arrangement subsequently made by me with the Collector, this “ inquisition ” includes the neighbouring deserted Cantonment of Warriore.

The whole of the ground remaining in the possession of the Government should now be placed by the Collector under responsible management, and further encroachment should be prevented.

The unoccupied Land belonging to the Government at Warriore should be laid out in convenient Building or Garden allotments, so far as there is a demand for them, and should be sold to the highest bidder ; care being taken to preserve the requisite open space for health and recreation. The proceeds of these sales, as well as of the sales connected with the old Fortifications, should be paid into a Fund in the hands of the Collector, for the purpose of carrying on the improvements.

Dated

PROCEEDINGS OF GOVERNMENT.

No.

Department.

*Copy this order
as altered
to Mr. S.H.*

*Proceedings of the Madras Government, Revenue Department,
for the month of May 1860.*

As regards the Fortifications, the District Engineer should be instructed to furnish a Plan for converting them into a Circular Road, and for laying out the ground on both sides of the Road in Building allotments, where the space and position make that desirable. In other places, there will be a single row of Buildings facing the country, and the slope below the Road will be planted and preserved for public health and enjoyment. The Tanks connected with the old Fortifications should be carefully preserved and improved. The approaches to the city should be arranged with particular care, and *harmony* and *general effect* should be aimed at rather than *uniformity*. The Building lots should be of different sizes suited to different classes of purchasers; and where there is sufficient space, they should have Gardens behind.

The District Engineer should also report where he would propose to begin to operate upon the old Fortifications in the manner proposed; and he should furnish detailed sections of this portion, in addition to the general Plan.

The hewn stones in the remaining portions of the Wall and Bastions should be sold by auction, when not required for any public purpose, and the proceeds should be paid into the Fund.

The Holders of the numerous encroachments which have been made on the Government property, should, I think, be left unmolested, unless their holdings are required for the improvements in progress; in which case the Collector should pay them out of the Fund the full value of the Buildings; and if they or those from whom they hold have been in possession for more than thirty years, the full value of the land also; and the premises should be taken for the improvements.

(Signed) C. E. TREVELYAN.

Gindî Park, 30th April 1860

No. 29. ORDER THEREON, 14th May 1860, No. 768.

The subject of the Papers submitted by the Collector of Trichinopoly with this letter is explained in the following paragraph of the Governor's Minute, dated the 28th January last.

"The Fortifications which encircled the Rock and the old Town, and made this our chief strong hold in the South of India have been completely dismantled. In their present state they are a receptacle for every kind of filth; and, no doubt, largely contribute to the fever and cholera with which Trichinopoly has of late years been afflicted. They ought to be converted into a broad Boulevard, or Circular Road, as has been done with great public advantage in so many European places, under similar circumstances. An annual appropriation should be made for the purpose, till the work is completed; the Prisoners from the large Jail on the glacis might assist; and as each section was finished, the land on either side of the road might be sold in building allotments. Latrines should be constructed at proper intervals, and the sewerage should be carefully attended to. As the public property in connection with the Fortifications is daily encroached upon, I arranged with the Collector that it should be surveyed, and that its present limits should be ascertained. The old bombproof Barracks opposite to what was once the Seringham Gate, had recently been sold for 1,300 Rupees. These are in the centre of one of the principal approaches to the City; but the two persons who had purchased them expressed their readiness to restore them and to take back the purchase money."

2. The Survey and investigation of Titles have been made by the Deputy Collector, Sundiram Pillai, and, by an arrangement subsequently made by His Excellency the Governor, with the Collector, the inquiry embraced the neighboring deserted Cantonment of Warriúr. Sundaram Pillai has executed his task with care and ability, and the Acting Collector will express to him the satisfaction his labors have afforded to the Government.

3. The Government now resolve to instruct the Acting Collector to place the whole of the ground remaining in the possession of Government under responsible management, and to prevent further encroachment.

*Proceedings of the Madras Government, Revenue Department,
for the month of May 1860.*

4. He will cause the unoccupied land belonging to Government in Warriúr to be laid out in convenient building or garden allotments for the purpose of their being sold to the highest bidder under the freehold Rules; care will, however, be taken to preserve the requisite open space for health and recreation.

5. As regards the Fortifications, the District Engineer will be instructed to furnish, through the Chief Engineer, a Plan for converting them into a Circular Road, and for laying out the ground on both sides of the road in building allotments, where the space and position make that desirable. In other places there will be a single row of buildings on the town side of the road, facing the country and the slope beyond the road will be planted and preserved for public health and enjoyment. The Tanks connected with the old Fortifications should be carefully preserved and improved, and the approaches to the City arranged with particular care, harmony and general effect being aimed at rather than uniformity.

6. The building lots both here and in Warriúr should be of different sizes, suited to different classes of purchasers, and in some degree according to the locality; and where there is sufficient space, they should have gardens behind. The lots will be put up from time to time under the Order of Government, as there is a demand for building land in that locality, it will be the duty of the Collector to apply for permission to sell such lots, from time to time, when it may seem to him proper. The proceeds of the sales, will be formed into a Fund, in the hands of the Collector, for the purpose of carrying on the improvements.

7. The District Engineer will also report where he would propose to begin to operate upon the old Fortifications in the manner ordered above in paragraph 5, and he will furnish detailed sections of such portion, in addition to the general plan.

8. The hewn stones in the remaining portions of the wall and bastions, should be sold by auction, if not required for any public purpose, and the proceeds paid into the Fund referred to in paragraph 6.

9. The holders of the numerous encroachments which have been made on the Government property will be left unmolested, unless their holdings are required for the improvements in progress. In this latter case the ground will be taken; but the Acting Collector will pay the holders, out of the Fund, the full value of the buildings on the land; and, if they or those through whom they hold, have been in possession for more than thirty years, he will pay them the full value of the land also.

(Signed) J. D. BOURDILLON,
Secretary to Government.

In their order of the 14th May 1860 No. 708.
The Government sanctioned the sale
of the lands at Trichinopoly, the
proceeds of the sale to be formed into
a fund for the improvement of the
Town (para. 6.)

The kurn stones were also ordered
to be sold by auction and the proceeds
credited to the Improvements fund,
if the stones were not required
for any public purpose.

In their order of the 28th February
1863 No. 435 the Government
decided that the sale proceeds
realized (as I understand from
the order) from the sale
of the sites mentioned in the
Collector's letter, should be paid
into the Treasury as public revenue.
So that under this order, and in
consequence of its being decided
that the fortification-stones,
valued at 2 lakhs of rupees,
are required for the D.P. W.,
there would appear to be no fund
for improvements at all.

The Government in their O.G. 20th
February 1863, informed the

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter-papers

Pres. of Govt. Rev. Secy. to Govt. — Here enter 27th Sept 1867 No. 2262
 & 15 Oct — — — 2419.
 Secy. to Govt. P. W. Dept. — 22nd Oct — — — 29.

Order thereon 13th April 1868 No. 122

In the above letter, the
 Acting Collector of Trichinopoly
 represents that the proceeds
 of the sale of building sites
 at Trichinopoly having been
 by order of Government paid
 into the Treasury in 1863,
 and the heavy stone in the
 fortifications being required
 by the Department of Public
 Works, there are not sufficient
 funds available for carrying
 out the scheme for con-
 verting the fortifications

W. M. L.
 W. M. L.
 W. M. L.

that they would be prepared to
 grant funds in the usual
 way for further improvements."

25. August 21st.
 No. 1033. Public.

At the further known appears to
 have been done until August
 last when the Govt. made over
 to the Municipality the land
 included in the moat and
 walls, placed convict labour
 free of charge at their disposal,
 & contributed 25 per cent
 on the sum voted by the Commis-
 sioners for the completion of the
 boulevard project.

The order of the 14th May 1860 has
 certainly been rendered in-
 operative by O.S. 28th Feb. 1863,
 and it remains to be decided
 whether Govt. will grant any funds
 for further improvements in
 addition to the assistance afforded
 by O.S. 21st August 1867. No. 1033.

at Melimopolis into a
boulevard, and making
other improvements; the
Acting Collector requests
therefore that the Govt will
be pleased to sanction
a special grant for this
purpose in accordance
with the terms of the order
of Govt dated 28th February
1863.

2. In August last Government made over to the municipality the land, included in the moat, placed convict labor free of charge at the disposal of the Commissioners. Land contributed 25 per cent of the sum voted by the Commissioners for the commencement of the project.

3 Funds are not avail-
able for appropriation
from the Budget assign-
ment for Public Works;
the

the Government resolve therefore to place at the disposal of the Commissioners one half of the valuable brown stone available in consequence of the demolition of the Fort ramparts. The Commissioners are accordingly authorized to sell or otherwise utilize one half of the stone available, the remainder being left at the disposal of the Department of Public Works.



To the Collector of Richmond City }
Revenue Deptt. }
Public Works Deptt. } Sept 1876
with Dr. H. W. M. M. M.

Dec 1867 Department.

No. *1422*

PROCEEDINGS OF GOVERNMENT.

Dated *13th Dec 1867*

7 Dec 1867



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