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# MADRAS RECORD OFFICE.

Government of Madras.

*Public* DEPARTMENT.

|          |       |               |
|----------|-------|---------------|
| G.O. No. | 1229  | Press<br>Mis. |
| Dated    | 12-8- | 1871          |

Not to be folded or roughly handled

No. 43. Read the following letter from the President of the Municipal Commission, Ootacamund, to the Chief Secretary to Government, Fort St. George, dated Ootacamund, 5th August 1871, No. 111:—

I have the honour to submit, for the consideration of the Governor in Council, copies of the marginally-noted correspondence between the Municipal Commissioners and Mrs. Morgan, relative to her proposal to erect a building on a piece of waste land just below Colonel Leggatt's house, Claremont.

1. Letter from Mrs. Morgan, dated 10th May.
2. Resolution thereon, 22nd May.
3. Letter from Mrs. Morgan, dated 27th May.
4. Resolution thereon, 27th May.
5. Letter to Commissioner.
6. Resolution thereon, 12th June.
7. Letter from Mrs. Morgan, dated 14th June.
8. Resolution thereon, 26th June.
9. Letter from Mrs. Morgan, dated 12th July.
10. Resolution thereon, 19th July.

2. It will be seen that, on the 10th May, Mrs. Morgan signified her intention of erecting a building on a piece of land adjoining the public road below Claremont, which she had recently purchased from Mrs.

Schnarre, and applied for permission to level down the bank. The Commissioners replied that they were averse to the erection of any building on the spot referred to, and requested to see the title deeds. The title deeds and plan of the building were accordingly submitted for inspection, when it appeared that the only restriction contained in the title deeds was to the effect that no building should be erected on the land without the plan being previously submitted for the Commissioners' approval. In my capacity as Commissioner my approval of the plan submitted was accorded; but the Municipal Commissioners then objected to the erection of the building and offered to purchase the land. Mrs. Morgan declined to sell it; accordingly the Commissioners have resolved to move the Governor in Council, under Section 19 of Act III. of 1871, to declare the land needed for a public purpose.

3. The grounds of the objections entertained by the Commissioners to Mrs. Morgan's proposal are that they are convinced that the erection of any building on the site in question will be a great eyesore; they have no objection to the plan of building submitted by Mrs. Morgan, but when once the main building has been constructed they will have no power to prevent the addition of unsightly sheds or godowns, and as the piece of land borders on the most frequented road, and adjoins one of the few remaining pieces of indigenous sholah still left standing within the town, they desire to lay it out ornamentally, and are averse to the erection of any buildings however ornamental their exterior.

4. But few plots of unoccupied land now exist within the station available for ornamental plantations, and the unsightliness of the buildings on Framjee's Hill is a warning to the Commissioners to endeavour to conserve what remaining plots there are adjoining much frequented roads in central situations.

5. The Commissioners were not aware that the land was for sale, the land was never offered to them, and, therefore, they do not see the force of Mrs. Morgan's argument to the effect that because they failed to secure it before her therefore they should be debarred from preventing, if possible, the erection of an unsightly building thereon now.

6. The Commissioners have been actuated throughout solely by a desire to protect the public interests, and they believe that the preservation of a piece of land from being converted into a building site is as much within the scope of the Land Acquisition Act (X. of 1870) as its acquisition for a building purpose.

*Proceedings of the Madras Government, Public Department,*  
*12th August 1871.*

No. 44. ORDER THEREON, 12th August 1871, No. 1229.

The Government regret that they are unable to comply with the application contained in the letter above recorded. They do not consider that a sufficient case has been made out for declaring that the land recently purchased by Mrs. Morgan, which adjoins the Church road below Claremont, is needed for a public purpose.

(True Extract.)

Captain, R. E.,  
*Under Secretary, P. W. D.,*  
*for Chief Secretary.*

To the President of the Municipal Commission, Ootacamund.

Exd. J. Wright.

No. 1.

To J. Beecher's care.

Sir, I have the honor to enclose  
a Plan of some land just below  
Major Leogath, which I have  
purchased. I wish to put up a house  
on which I wish to put up a house.  
I request I may be allowed to live  
down that bank of earth which  
leads to the India Road from this  
land. By which I shall widen  
the Road considerably on those  
parts by which carriages are to  
approach the building some  
parts I shall plant and so  
part leave dangerous to traffic.

x x x x  
x x x x

Truly yours  
(Signed) Ellen H. Morgan

10th May 1871.

(True Copy)  
Worcester

Oct. of 1871

PUBLIC.

To  
THE PRESIDENT OF THE  
MUNICIPAL COMMISSION,  
Dorchester.

Dated August, 12th.

Recd.

G. O., 12th August 1871, No. 1229.

AUGUST.  
Nos. 43-44.

Declining to accede to the request of the Com-  
missioners to take up, under Act III. of 1871, a  
piece of land belonging to a Mrs. Morgan just  
below Claremont.

42.  
Extract from Minutes of a Meeting  
of the Municipal Commissioners  
of Port-au-Prince held on the  
22<sup>nd</sup> May 1871.

3. Read letter from M<sup>rs</sup> Morgan  
requesting permission to level the bank  
and widen the road under 'Claremont'  
with a view to improving access to a  
building which she proposes erecting.

Resolved that M<sup>rs</sup> Morgan be  
informed that by Section 142 of the Act  
of 1871 no building can be erected on  
the plot of ground in question without  
previous notice in writing to the Com-  
missioners.

The Commissioners are aware to the  
creation of any building on the spot  
referred to, and as they are under  
the impression that certain restrictions  
were imposed when the grant of land  
was originally made. They resolve  
to call upon M<sup>rs</sup> Morgan to produce  
her Title Deeds and any documents  
in her possession relating to the land  
of the land.

In the meantime they resolve to  
withhold their consent to the erection  
of any building.

(True Extract)

Witnesses

Mun. Com<sup>rs</sup> Office  
Port-au-Prince  
August 1871.

N<sup>o</sup> 3.

26

C. Galton Esquire  
Hon<sup>ble</sup> Sec<sup>y</sup> Mun<sup>l</sup> Com<sup>rs</sup>

Sir, The Enclosed document will  
show you that the Plan of the pro-  
posed building being submitted  
& approved w<sup>o</sup> other objection except  
to the erection on that land.  
I gave notice of my intention to erect  
a house on Mr. Schenck's land & sent  
the Plan to the Commissioners a  
fortnight ago, who promised to lay  
the same before the M<sup>unicipal</sup> Commission.

Faithfully Yours  
(Signed) Allen H. Morgan

24<sup>th</sup> May  
1871.

(True Copy)  
Wroceley

Extract from Minutes of a Meeting  
of the Municipal Commissioners  
of Potomac held on the  
27th May 1871.

b. Read letter from W<sup>m</sup> Morgan  
enclosing the Title deeds of a piece  
of land purchased from W<sup>m</sup> Nelson.

Resolved that W<sup>m</sup> Morgan be  
informed that by the Title Deed  
she must first submit a plan  
and elevation of her proposed  
building to the Commissioners  
and that by Act III of 1871 the  
plan of the building must be  
submitted to the Municipal Com-  
missioners.

W<sup>m</sup> Morgan has submitted a plan  
of the site, but has not furnished  
a plan of the building, according  
she has not yet complied with  
the provisions of the Act.

(The Extract)

W. 4.

Muni. Com. Office  
Potomac  
August 1871.

N<sup>o</sup> 5.

24

J. H. Beebe Esquire  
Commissioner

Sir, I have the honor to enclose  
for your approval the Plan on  
which I propose to build a House  
on that piece of Land lately pur-  
chased by me from Mrs. Blum

I have the honor to be

Your obed<sup>t</sup> Serv<sup>t</sup>

(Signed) E. H. Morgan

1<sup>st</sup> June  
1871.

(True copy)

Worcester

N<sup>o</sup> 6.

Extract from Minutes of a Meeting  
of the Municipal Commissioners  
of Ostaendam held on the  
12<sup>th</sup> June

8. Read letter from Mrs Morgan  
dated 1<sup>st</sup> instant submitting for  
approval a plan of the building  
which she proposes to erect on the  
piece of ground lately purchased  
by her from Mr. Schuarez.

As the Commissioners strongly  
object to the erection of any building  
on the spot in question, they resolve  
to request Mrs Morgan to inform  
them whether she will consent  
to transfer the site to them, and  
if so, on what terms?

(True Extract)

Mun: Com. Office  
Ostaendam  
August 1871.

Wroesley



Ave up the land.  
 I am sorry the Municipality  
 do not like a building being  
 erected there, but think they  
 will find no cause to  
 its erection - They may imagine  
 the spot will be ornamental  
 and not an eyesore.

I wish to take advantage of the weather to plant the Spot with Gramen lat

Ornamental Trees & with this view  
to wish to level the bank from  
the road downwards & put down  
a hedge of a Plant a branch of  
which is enclosed which is exceedingly  
handsome for that purpose  
wanting your consent

Faithfully Yours

(Signed) E. H. Morgan

(True Copy)

Witness

No 8.

Extract from Minutes of a Meeting  
of the Municipal Commissioners  
of Ottawa and held on the  
26<sup>th</sup> June

5. Read letter from Mrs Morgan  
dated 14<sup>th</sup> instant to the effect  
that she is not disposed to transfer  
the land purchased by her from  
Mrs Schurwe to the Commissioners  
and requesting permission to level  
the bank from the road downwards  
and plant a hedge.

Resolved that Mrs Morgan be  
informed that the Commissioners  
adhere to their determination not  
to sanction the erection of any  
building on the spot in question  
and that they purpose in the event  
of their being unable to arrange  
terms with Mrs Morgan for the  
purchase thereof to move the  
Governor in Council under Section  
19 of Act III of 1841 to declare the  
land needed for a public purpose.

(True Extract)

Witness

Mun. Com. Office  
Ottawa and  
August 1871.

No. 4  
C. Fulton  
Secy. M.C.

For with reference to your letter  
from Municipal proceedings  
of the 28th June wherein I was  
informed that in the event of  
my refusal to sell that piece  
of land lately purchased by me  
from Mrs. Selma arie, the Municipal  
Commissioners are determined  
to ask it of the Gov. in Council  
for a public purpose - I am  
advised that the Municipal  
Commissioners are giving a far  
wider scope to the reading of  
the Act quoted than is intended  
by Gov.

The last appropriation Act  
of 1876, simply means that  
when it can be clearly shown that  
a piece of land is absolutely  
necessary for a purpose of  
public utility it may be so  
granted, but does not give a  
Municipality the power to  
dispose an individual of  
his

his land on a mere question  
of ornament.

The insignificant extent of my  
land, (only 16 pounds 10s effect)  
the many years it has lain waste,  
when it might have been pro-  
duced & secured by the Muni-  
cipality, who quite not have been  
at all ignorant that it was for  
sale, forces me to conclude that  
it is a most arbitrary stretch  
of power on the part of the  
Commissioners to seek now  
to wrest it from me just as I  
propose to let it, that  
they may lay it out ornamentally,  
which of course I can do as  
well as they & with the advantage  
of there being no waste of Public  
funds.

Having complied with the  
only condition of the Little Land  
the obtaining the approval of  
the Commissioners to the plan  
of my proposed building,  
I submit, with all due deference  
to the opinion of the M. Commis-  
sioners, that they cannot show

Good

good Cause for their proceedings.  
And therefore I prefer that this  
matter shall be laid before  
the Gov<sup>r</sup> in Council - and I have  
the honor to request that this  
letter may accompany that  
from the M. Commissioners  
on the subject.

I have the honor to be  
Your most obed<sup>t</sup> Serv<sup>t</sup>  
(Signed, Wm. H. Morgan)

Wm. H. Morgan  
12<sup>th</sup> July  
1841.

(True Copy)

Wm. H. Morgan

No 10.

Extract from Minutes of a Meeting  
of the Municipal Commissioners  
of Victoria held on the  
19th July

3. Read letter from Mrs Morgan  
dated 12th instant declining  
to part with the piece of land  
purchased by her from Mr. Schumacher  
and requesting that the matter  
may be laid before the Governor  
in Council together with a copy  
of her letter.

Resolved that the Governor  
in Council be moved and Motion  
of Act III of 1871 to reserve  
the land needed for a public  
purpose.

(True Extract)

Witness

Muni. Com. Office  
Victoria  
August 18th.

See Pub. 169377

City and Municipal Bu<sup>no</sup> Office  
5<sup>th</sup> August 1871.

Wm. H. L.

The President  
Estadounidenses Municipal Commission

The Chief Secretary  
to Government  
Fort St. George.

Sir, I have the honor to submit for the consideration of the Governor in Council copies of the marginally noted correspondence between the Municipal Commissioners and Mrs Morgan relative to her proposal to erect a building on a piece of waste land just below Colonel Leggett's house Claremont.

2. It will be seen that on the 10th May Mrs Morgan signified her intention of erecting a building on a piece of land adjoining the public road below Clarendon, which she had recently purchased from Mrs Shuarri, and applied for permission to level down the same.

Letter from  
Mr. Morgan  
dated 10th May

2. Resolution  
Thereof  
22<sup>nd</sup> May.

3. Letter from  
Mrs Morgan  
dated 24th May

4. Resolutions  
There are  
24th May.

5. Letter to  
Commissioner  
of Health.

Theresa  
12th June  
4 1/2 p.m.

1. series of 100.  
Wm Grosvenor  
dated 14<sup>th</sup> June

8 Resolution  
thereon  
26<sup>th</sup> June

The Commissioners replied that <sup>9. Letter from</sup> they were averse to the erection of <sup>Mr. Morgan</sup> any building on the spot referred to <sup>dated 17th July</sup> 10. and requested to see the title <sup>Resolution</sup> deeds. — The title deeds and plan <sup>11th July</sup> of the building were accordingly submitted for inspection, when it appeared that the only restriction contained in the title deeds was to the effect that no building should be erected on the land without the plan being previously submitted for the Commissioners' approval. —

In my capacity as Commissioner my approval of the plan submitted was accorded; but the Municipal Commissioners then objected to the erection of the building and offered to purchase the land. — Mr. Morgan declined to sell it; accordingly the Commissioners have resolved to urge the Governor in Council under Section 19 of Act III of 1871 to declare the land needed for a public purpose. —

3. The grounds of the objections entertained by the Commissioners to Mr. Morgan's proposal are that they are convinced that the erection of any building on the site in question will be a great eyesore; they have

no objection to the plan of building submitted by Mr. Morgan, but when once the main building has been constructed they will have no power to prevent the addition of unsightly sheds or godowns, and as the piece of land borders on the most frequented road, and adjoins the few remaining pieces of indigenous shola still left standing within the town, they desire to lay it out ornamentally and are averse to the erection of any buildings however ornamental their exterior. —

4. But few plots of unoccupied land now remain within the station available for ornamental plantations, and the unsightliness of the buildings on Sanjeev Hill is a warning to the Commissioners to endeavour to preserve what remaining plots there are adjoining much frequented roads in central situations. —

5. The Commissioners were not aware that the land was for sale, the land was never offered to them, and therefore they do not see the force of Mr. Morgan's argument to the effect that because they failed to secure it before ~~the~~ therefore they should be

be debarred from procuring,  
 if possible, the erection of an  
 unsightly building thereon.  
 b. The Commissioners have been  
 actuated throughout solely by a  
 desire to protect the public interests,  
 and they believe that the preservation  
 of a piece of land from being converted  
 into a building site is as much  
 within the scope of the Land  
 Acquisition Act (5 of 1890) as its  
 acquisition for a building purpose.

Have the honor to be  
 Sir,  
 Your most obedient servant  
 (Signature)

Resident.  
 43-44  
 The first issue that they are unable to comply with the  
 application and in the letter above quoted.  
 they do not consider that a sufficient case has been made  
 out for the acquisition. The land is already purchased by the  
 Government and it is not clear how the Government is needed for  
 a public purpose. - R.E.

Public 1971 depts  
 5  
 The West. Mount Com  
 Co. of the  
 No. 1693  
 21.7.3 (copy)  
 Submitting copies of  
 correspondence between the  
 Council and the Com. of the  
 to erect a building on a  
 piece of waste land in  
 the town of ...  
 for various other  
 the piece of land ...  
 may be taken up ...  
 Oct 11.9.1891 -

Gort. of 1871 Madras.

Public.

The Pres. Genl. Commr.

Cotacaimm.

Dated Aug. 12 }

Recd.

Exd.

G. O. 12 Aug. 1871, No 1229.

Nos. 43. 44.

Declining to accede to the  
request of the Commr. to  
take up under Act 3 of  
1871 a piece of land belong-  
ing to a Mr Morgan fish  
below Claremont.