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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Can 16/9/59

G.O. No. 2207 Press / Mis.

69.70.

Dated 16-9 1859

Not to be folded or roughly handled

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Proceedings of the Madras Government, Public Works Department, from 10th to 16th September 1859.

No. 69. Read the following letter from Lieutenant-Colonel J. H. BELL, Chief Engineer; to. J. D. BOURDILLON, Esq., Secretary to Government, dated 25th August 1859, No. 4221.

I have the honor to submit for the consideration and orders of Government, the accompanying plan and estimate, amounting to Rupees 500, prepared by the District Engineer, Chingleput, for the construction of groynes for the protection of Mr. J. B. Norton's property near Coromandel.

8 Letters.
1 Plan.
1 Estimate.

2. The circumstances which have led to the preparation of the estimate are as follows. Towards the close of the year 1857, Captain F. J. Moberly, the then Superintendent of the Eastern coast canal, excavated* (at the place where it was represented an outlet had been made in 1827, by Lieutenant-Colonel D'Havilland) with the approval of the canal committee, a cut through the beach at the Pulicat lake, to the south of Mr. Norton's island, for the escape of the surplus waters. No injury was, however, anticipated to Mr. Norton's property by this measure, but for fear that the action of the water against it during the prevalence of high southerly winds, should cause Mr. Norton to anticipate any damage being effected, it was proposed to construct a piled groyne in front of the island. This arrangement having been considered judicious, was approved of by the late Chief Engineer†.

* Letter from the Superintendant E. C. canal, No. 147, dated 27th August 1857.
Letter No. 231 dated 19th October 1857.

† Extract Proceedings No. 4748, dated 27th October 1857.

3. Nothing further appears to have been done upon this matter, at least so far as the Central office is concerned, until the receipt in April last, of a letter‡ from Mr. J. B. Norton, wherein that gentleman having represented, that in consequence of the opening of the bar at the site just mentioned, his property had sustained considerable damage, the attention of the District Engineer, Chingleput, was directed to the subject, and an early report was called for, as to the best measures to be adopted for the security of the property in question. In reply to this requisition, Captain A. S. Moberly submitted§ a letter, dated 23rd July 1858, addressed to him by the late Superintendent of the Eastern coast canal, after delivering over charge, wherein it was intimated that the opening of the cut had not then had the slightest injurious effect on Mr. Norton's property. The District Engineer also reported, that from an inspection he had made of the property on the 5th ultimo, he found that the southern portion of the island, on which the house stood was being washed away, not from any action of the watar caused by the current or the tide, but from the high south and south east winds, and that the protective measures approved of in Extract Proceedings No. 4748, dated 27th October 1857, had to all appearance been carried out.

‡ Dated 29th April 1859.

§ Letter dated 11th July 1859.

4. This report not having been considered satisfactory, the points requiring notice, and which had been omitted, being whether the bar had been opened by the officers of Government nearer to the premises of Mr. Norton, than it would be forced open by the land floods or the action of the sea; and whether if such measures had been adopted, a greater action on the island had taken place. The District Engineer was instructed¶ to order Mr. Kennedy to inspect and report on the necessary measures to remedy the evil complained of.

¶ In letter No. 2806 dated 16th July 1859.

5. In reply Captain Moberly answered‖ the first point above mentioned, in the negative, and observed that the injury alluded to, was caused by the action of the waves when the wind was from the south or south east. He also expressed his opinion that the works necessary for the protection of Mr. Norton's property should be carried out at the expense of that gentleman.

‖ Letter No. 432 dated 18th July 1859.

6. It did not, however, appear to me clear, that because a bar formerly existed to the south of Mr. Norton's property, and because it was liable to be opened by the land floods, the Government officers had a right to cut the beach at that point without becoming amenable to Mr.

Norton for any damage done to his property by the measure, inasmuch as the question could not be determined by the mere assertion of any one, and might be very differently disposed of judicially, although the case may have been as represented by Captain F. J. Moberly in his letter already quoted. Neither did it appear clear to me, that the new bar had not produced the injury complained of by Mr. Norton, as that gentleman affirmed, and his statement had not been denied by any one, that the eflux by the new opening had deepened the water, washing the south west of his island; for if such was the case, the waves of the lake, even when the bar was closed, as it appeared to be then, must have acted more effectually on the land, than they could do in shallow—water entertaining such views, I desired* that a report and estimate of the works indispensably required to secure the land from further injury, should be prepared by Mr. Kennedy, and submitted with the views of the District Engineer.

* Letter No. 2030 dated 25th July 1859.

7. Agreeably with these instructions, the District Engineer submits† the report called for, from which it will be observed, that the bar was not closed at the time the foregoing letter was written to Captain Moberly, and that it still remains open, with every probability of continuing so for some time to come, it having on the last occassion remained open for 10 years, when Mr. Norton's bungalow had not been built, the effect of the water on the island being the same then as it is now. The opening of the bar to the north of Mr. Norton's island, would appear to have been effected by the Coromandel Enamdar in 1853, for the purpose of drawing anchorage dues for dhonies, the present bar to the south being considered the usual and legitimate one, inasmuch as Lieutenant Morgan is stated to have opened the bar at the same place, after Mr. Norton's house had been built, and that it remained so for 2 years.

† Letter No. 587, dated 11th August 1859.

8. With regard to the water on the south of the island, Mr. Kennedy is of opinion, that its depth will now decrease, although in the absence of soundings of former years, it would be impossible to state so with perfect certainty. At the latter end of last month the depth would appear to have been from the soundings given in the accompanying sketch from 5′-3″ to 8′-6.″ The security of the bungalow would, therefore, seem to be very precarious, as the building is not more than 15 or 20 yards from the edge of the water. To protect the island from any further injury, Mr. Kennedy suggests that 4 short groynes of old masonry obtainable from the Pulicat fort, should be run out, connected with an intermediate wall of the material, and for this purpose, the estimate now submitted, amounting to Rupees 500 has been prepared.

9. I think it likely that the work proposed will answer the purpose intended; but as it would be impossible for me to decide, whether or no Mr. Norton is entitled to the protection of his land, the question being a legal one, I submit the matter for the orders of Government. In doing so, however, I would beg to observe, that repairs having been already executed at the expense of Government in November 1857, as stated by the District Engineer, Chingleput, in paragraph 3 of his letter No. 587, dated 11th instant, it may be concluded that the protective measures now proposed should be carried out at their expense also. But there is a still more important question connected with this subject, which I think deserves serious consideration, before the present estimate is disposed of, should the sum of Rupees 500 above mentioned be sanctioned, is Mr. Norton entitled to further assistance at the hands of Government, that is, if the works now proposed are found not to afford sufficient protection to his property? I have thought proper to request attention to this point, because, if the groynes now under contemplation be run out at the expense of the State, and should not answer the object in view, the interference of Government may be again sought, and a sum much larger than the present estimate may have to be subsequently expended, and repairs constantly executed. To prevent this, I would suggest in the event of the estimate submitted with this letter being sanctioned, that it may be intimated to Mr. J. B. Norton, that the Government are not to be considered responsible for any further works that may hereafter be required for the security of his property near Coromandel. The Government legal adviser may, however, be of opinion that Mr. Norton is not entitled to the protection of his land under the circumstances above represented; in which case of course, the groynes now estimated for will have to be executed at Mr. Norton's own expense.

No. 70. ORDER THEREON, 14th September 1859, No. 2207.

Referred to the Advocate General together with the enclosures, for his opinion whether under the circumstances of the case, Mr. Norton is entitled to assistance from Government for the protection of his property referred to.

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

Memo on D.W. No 2264 from the Chief Engr. submitting an Estimate of Rs 500 for constructing Groynes for the protection of Mr. S. B. Norton's property on an island near Coromandel.-

Canal. This is the first occasion on which the above matter has come before Govt, which formed the subject of some correspondence between the Central Office Mr. Norton and the local Engineer Officers. A precis of this correspondence is given in paras 2 to 8 of the Chief Engr's letter, the main points in which are as follow.

a. From Supt E.C. Canal Letters dated 27 Augt and 19 Octr 1857 Nos 147 & 231.

2. In 1857 Captn Francis Maberly then Supt. of the East Coast Canals made a cut through the beach to the south of Mr. Norton's island at the place where an outlet had been made in 1827. Its object was to provide for the escape of surplus water. No injury was anticipated to Mr. Norton's property, but to prevent any possible damage, the proposal to construct a pile groyne in front of the island was approved by the late Chief Engr.

b. Govt No. 27 Octr 1857 No 4748.

In

3. In April 1859[c] Mr. Norton complained that his property had sustained considerable damage from the opening of the bar, but the Dist. Engr. of Chingleput Captn. Arthur Moberly after inspecting the property, reported[d] that the injury, viz the washing away of ~~a portion of~~ the southern portion of the ground was owing not to the current or tide, but to the high south and south east winds, and that to all appearance the protective measures approved in Octr. 1857 had been carried out.

c. Letter dated 29 April 1859.

Written of the former opp.

d. Letter dated 11 July 1859 No. 369.

4. To subsequent enquiries[e] of the Chief Engr., Captn. Moberly replied[f] that the bar had not been opened nearer to the premises than it would be naturally forced open by land floods, and repeated his former opinion that the injury was owing to the high south and south east winds. He was of opinion that the necessary protective measures should be carried out at Mr. Norton's expense.

e. To Dt. Engr. 16 July 1859 No. 2806.

f. Letter dated 18 do No. 432.

5. The Chief Engr. however was not[g] clear on the following points

g. To Dt. Engr. 25 July 1859 No. 3060

Whether

7

1st. Whether the Govt. had a right to make a cut because one existed before and was liable to be reopened by land floods, without becoming amenable for any damage to Mr. Norton's property.

2nd. Whether the bar had not produced the injury complained of. He also noticed that no one had denied Mr. Norton's assertion that the effluxly the new opening had deepened the water washing the south west of his island, and being of opinion that if such was the case, the waves of the Lake even when the bar was closed must act more effectually on the land than they could do in shallow water, he desired that Mr. Kennedy should be instructed to prepare a report and estimate of the works necessary to secure the land from further injury.

6. In pursuance of this call Mr. Kennedy reports[h] that the bar was not closed and that it is likely to continue open for some time, that on the last occasion when it was open for ten years before the Bungalow had been

h. In letter from Dt. Engr. dated 11 Augt. 1859.

built

built, the effect of the water on the island was the same as now. The bar to the north is stated to have been opened by the Coromandel Enamdar previous to 1853 for the purpose of drawing anchorage dues for dhonies, but the present bar to the south is considered the usual and legitimate one. -

7. Although uncertain as to the actual * depth of the water to the south of the island, Mr Kennedy thinks that there is a tendency to its decrease. He is of opinion that Mr Norton's property is not secure being only 15 or 20 yards from the water's edge; and as a protective measure; proposes to throw out four short masonry groynes connected with an intermediate wall at a cost of Rs 500 which is considered by the Chief Engr likely to answer the purpose intended.

* Stated to have been from 5'3" to 8'6" at the latter end of July 1859.

8. Colonel Bell however submits two questions for the consideration of Govt.

1st Whether or no Mr Norton is entitled to the protection of his land

2nd Whether if the present work is

is not sufficient, Mr Norton is entitled to further assistance. As to the first point he observes that repairs* having been executed in November 1857, it may be concluded that the present measures should also be carried out at Govt expense; and in respect to the second he suggests in the event of the present Estimate being sanctioned, that Mr Norton be told that Govt are not responsible for any further work. Col Bell however remarks in conclusion that if in the opinion of the Govt legal adviser, Mr Norton is not entitled to the protection of his land, the proposed groynes will in that case have to be executed at his own expense.

* Note. This refers to the pile groyne approved in Chf Engr's Profe of 27 Octr 1857.

A sketch of the locality will be found among the papers.

Note - A glance at the map seems sufficient to show that Mr Norton's island is in imminent danger. The opening is gradually travelling northwards; & unless it shd close shortly, which is not to be expected, the

LCD 1st September 1859.

island is likely to be carried into the sea. It appears very doubtful whether the proposed groins will save it; this however is an Engrs question.

As to the liability of Govt. to secure Mr. Newton, it does not seem clear. ~~The~~ South of the ~~present~~ island seems certainly the natural position of the opening, & if made there it evidently works northwards. Up to a certain point not known. Had the Dist. Engr. let it alone this wd. probably have been the event; but on the other hand the bar might have remained closed for some time longer.

The island is obviously an unsafe place to build on. Probably the value of the buildings is not great; & if the Govt.

is held to be bound to maintain Mr. Newton unhurt, it might be the best course to buy the whole concern.

[illegible]
Sept 2.

The question should, I think, be referred to the Advocate General.

[illegible]
6 Sept 1859

[illegible]

13E

Central Office of P.W.
Fort Saint George
25 August 1859.

No. 4221

From
The Chief Engineer.

To
The Secretary to Government
Public Works Department.

Sir,

Public

I have the honor to submit for the consideration and orders of Government, the accompanying Plan and Estimate amounting to Rupees 500 prepared by the District Engineer Chengleput, for the construction of Groynes for the protection of Mr. J. B. Norton's property near Coromandel.

2 The circumstances which have led to the preparation of the Estimate are as follows. Towards the close of the year 1857, Captain F. J. Moberly, the then Superintendent of the Eastern Coast Canal, excavated (at the place where it was represented an outlet had been made in 1827, by Lieutenant Colonel D. Pavilland) with the approval of the Canal Committee, a cut through the beach at the Pulicat Lake, to the South of Mr. Norton's Island, for the escape of the surplus Waters. No injury was however anticipated to Mr. Norton's property

+ Letter from the Supt. E.C. Canal No. 147 d/27th Augt. /57
No. 231 d/19th Octr. 1857.

c 2 Sep. 58th

property by this measures, but for fear that the action of the water against it during the prevalence of high Southerly winds, should cause Mr. Norton to anticipate any damage being effected it was proposed to construct a piled groyne in front of the Island. This arrangement having been considered judicious, was approved of by the late Chief Engineer.

+Ex. Proc. No. 4748 d/27th October 1857.

3 Nothing further appears to have been done upon this matter, at least so far as the Central Office is concerned, until the receipt in April last, of a letter from Mr. J. B. Norton, wherein that gentleman having represented that in consequence of the opening of the bar at the site just mentioned, his property had sustained considerable damage, the attention of the District Engineer Chengleput was directed to the subject, and an early report was called for, as to the best measures to be adopted for the security of the property in question. In reply to this requisition, Captain A. S. Moberly submitted a letter dated 23d July 1858, addressed to him by the late Superintendent of the Eastern Coast Canal after delivering over charge, wherein it was intimated that the opening of the cut had not then had the slightest injurious effect or Mr. Norton's property. The District Engineer also reported, that from an inspection he had made of the property on the 5th Ultimo, he found

+d/29th April 1859.

+Letter d/11th July 1859

c 2 Sep. R 8th

found that the Southern portion of the Island, on which the house stood was being washed away, not from any action of the water caused by the current or the tide, but from the high South and South East winds, and that the protective measures approved of in Extract Proceedings No. 4748 dated 27th October 1857, had to all appearance been carried out.

4 This report not having been considered satisfactory, the points requiring notice, and which had been omitted, being whether the bar had been opened by the Officers of Government nearer to the premises of Mr. Norton, than it would be forced open by the land floods or the action of the sea; and whether if such measures had been adopted, a greater action on the Island had taken place, The District Engineer was instructed to order Mr. Kennedy to inspect and report on the necessary measures to remedy the evil complained of.

In Letter No. 2806 d/16th July 1859.

5 In reply Captain Moberly answered the first point above mentioned in the negative, and observed that the injury alluded to, was caused by the action of the waves when the wind was from the South or South East. He also expressed his opinion that the works necessary for the protection of Mr. Norton's property should be carried out at the expense of that Gentleman.

+Letter No. 432 d/18th July 1859.

6 It did not however appear to me clear, that

that because a bar formerly existed to the South of Mr. Norton's property, and because it was liable to be opened by the land floods, the Government Officers had a right to cut the beach at that point without becoming amenable to Mr. Norton for any damage done to his property by the measure, inasmuch as the question could not be determined by the mere assertion of any one, and might be very differently disposed of judicially, altho' the case may have been as represented by Captain F. J. Moberly in his letter already quoted. Neither did it appear clear to me, that the new bar had not produced the injury complained of by Mr. Norton, as that gentleman affirmed, and his Statement had not been denied by any one, that the efflux by the new opening had deepened the water, washing the South West of his Island; for if such was the case, the waves of the Lake, even when the bar was closed, as it appeared to be then, must have acted more effectually on the land, than they could do in shallow water-entertaining such views, I desired* that a report and Estimate of the works indispensably required to secure the land from further injury should be prepared by Mr. Kennedy, and submitted with the views of the District Engineer.-

*Letter No. 3060 d/25th July/59.

7. Agreeably with these instructions, the District Engineer submits the report called for, from which

*Letter No. 587 d/11th Augt. 1859.

c2 Sep: 68

which it will be observed, that the bar was not closed on the time the foregoing letter was written to Captain Moberly, and that it still remains open, with every probability of continuing so for some time to come, it having on the last occasion remained open for 10 years, when Mr. Norton's Bungalow had not been built, the effect of the water on the Island being the same then as it is now. The opening of the bar to the North of Mr. Norton's Island would appear to have been effected by the Coromandel Encounter in 1853, for the purpose of drawing anchorage dues for Bonnie, the present bar to the South being considered the usual and legitimate one, inasmuch as Lieut. Morgan is stated to have opened the bar at the same place, after Mr. Norton's house had been built, and that it remained so for 2 years.

8. With regard to the water on the South of the Island, Mr. Kennedy is of opinion, that its depth will now decrease, although in the absence of soundings of former years, it would be impossible to state so with perfect certainty. At the latter end of last month the depth would appear to have been from the soundings given in the accompanying Sketch from 5'-3" to 8'-6". The security of the Bungalow would therefore seem to be very precurious, as the building is not more than 15 or 20 yards from the Edge of the Water. To protect the Island from any

any further injury, Mr Kennedy suggests that 4 short groynes of old masonry obtainable from the Pulicat Fort, should be run out, connected with an intermediate wall of the same material, and for this purpose the Estimate now submitted amounting to Rupees 500 has been prepared.

9. I think it likely that the work proposed will answer the purpose intended; but as it would be impossible for me to decide, whether or no Mr Norton is entitled to the protection of his land, the question being a legal one, I submit the matter for the orders of Government. In doing so however I would beg to observe, that repairs having been already executed at the expense of Government in November 1857, as stated by the District Engineer Chengleput in para 3 of his letter No 587, dated 11th Instant, it may be concluded that the protective measures now proposed should be carried out at their expense also. But there is a still more important question connected with this subject which I think deserves serious consideration before the present Estimate is disposed of. Should the sum of Rupees 500 above mentioned be sanctioned, is Mr Norton entitled to further assistance at the hands of Government, that is, if the works now proposed are found not to afford sufficient protection to his property? I have thought proper to request attention

attention to this point, because if the groynes now under contemplation be run out at the expense of the state, and should not answer the object in view, the interference of Government may be again sought, and a sum much larger than the present Estimate may have to be subsequently expended, and repairs constantly executed. To prevent this, I would suggest in the event of the Estimate submitted with this letter being sanctioned that it may be intimated to Mr J. B. Norton, that the Government are not to be considered responsible for any further works that may hereafter be required for the security of his property near Coromandel. The Government Legal Adviser may however be of opinion that Mr Norton is not entitled to the protection of his land under the circumstances above represented, in which case of course, the groynes now estimated for will have to be executed at Mr Nortons own expense.

I have the honor to be,
Sir,
Your Most Obedt Servant,
[signature] Lieut. Colonel
Chief Engineer

Fort Saint George
25th August 1859

[signature]
Dy Chf Engr Ct Circle

To
The Secretary to Government
Public Works Department

C. L. Gray

c 2d Sep. 1858

P.W.
1859 Department
Pro. of Govt. 16th Septr. No. 2264

From
The Chief Engineer
To
The Secretary to Government
P.W.D.

Dated 25th
Received 27th } August 1859.
26

No. 4221

Ex. 10

No. 2207 - 14th Septr. 1859

Submitting for the orders of Govt. a Plan and Estimate amounting to Rupees 5 [illegible] for the construction of groynes for the protection of Mr. J. B. Norton's property at an island near Coromandel.

With an order

From the Advocate Genl. of 16th Septr. 1859 Cno. 2444 in Cons.

No. 69870.

Copy with 10 Ryl. Encls. to Adv. Genl.

c. 2d Sep: 1858

No. 2207

Referred to the Advocate General together with the enclosures, for his opinion whether under the circumstances of the case, Mr. Norton is entitled to assistance from Government for the protection of his property referred to.

Fort St. George
14th Septr. /59
1 Copy to the Advocate General with 10 Enclos. Rup. 15
10 Chief Engineer

c. 2d Sep: 1858

Public Works 1859 Departt.
Pro. of Govt. 16th Septr.
No. 2264

From the Chief Engineer

To
The Secretary to Govt.
P. W. D.

Dd 25th } Augt. /59.
Rd 27th }

No. 1221.

Enclo. 10 - Returned 11-10-59-

From the Advocate Genl.
Dd 16th Septr. 1859. Cho 2444 in Cons.

No. 69 & 70

Submitting for the orders of Government a Plan and Estimate amounting to Rupees 500 for constructing groynes for the protection of Mr. J. B. Norton's property at an island near Coromandel.

With an Order
No. 2207 dd 14th Septr. /59.