No. 379. Read the following letter from Colonel F. J. MOBERLY, R.E., District Engineer, Chingleput, to Colonel G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Guindy, 25th November 1874, No. 2,977:—

In reply to G. O., No. 3,248, dated 17th November, I have the honor to observe that Mr. Fox's statement is utterly incorrect. The facts are as follow:—

2. The owner of the house at Sydapet, which is being put in order for my occupancy, called my attention to the proximity to its out-buildings of a lockspit line laid down by the Carnatic Railway Officers for the Salt Cotaur branch line. His servants said that they had warned the survey party that they were trespassing, but that they had ordered them away and gone to the length of cutting trees without permission. They stated that the line might easily skirt the property by running near to the Mylapore tank bank, instead of cutting it into two portions.

3. I happened to meet one of the Surveyors as I was leaving the premises, and remarked that he was trespassing. He replied, "Oh! it is only a native's property." I answered, "That that ought to make no difference; but if it did my being the probable tenant would settle it," or words to that effect. I wrote to Colonel Shaw-Stewart a note informing him of the matter, and asking that the line should be changed.

4. A few days after I met Mr. Fox himself in the garden. He admitted my objection so far as it concerned my out-houses, and proposed to remove the line a few feet further, and to the other side of a well from which my house is to be supplied. I pleaded still for my landlord, and we discussed the other line; I had not then seen it myself, but in reply to Mr. Fox's objections remarked that the point where it passed the surplus channel from Mylapore tank calingulah must be higher than his line, and therefore could not require a bridge of larger waterway; that even if the railway was larger by 100 or 200 feet it would probably cost less to make than would the payment of compensation for this land, and the indirect injury to the property, which I knew from the owner he was determined to claim, encouraged thereto by the success of another landowner in Egmore.

5. Mr. Fox made some remark to the effect that as a Government servant I ought to assist him in procuring his own way. I replied that I was quite as much bound by the Act (X. of 1870) as he was, and that even in cases where roads were laid out at the request, and for the sole benefit, of villagers, I considered myself bound to look into any objections that might be made to me as District Engineer; and thought it was still more his duty to examine representations made by a landowner who could not get any advantage by the salt line, but would suffer much annoyance by its passing close past his house, and through the middle of his garden. I undertook that he should receive no hindrance if he would fairly examine the proposals; but must leave it to the landowner if he refused. Mr. Fox ordered the removal of his staves.

6. I have every reason to believe that a charge would have been made before the District Magistrate against Mr. Fox, but for the hope that an arrangement would be made through my note to Colonel Shaw-Stewart.

7. I have since learned that Mr. Fox had already surveyed the line nearer the tank, and cut several trees which obstructed his view; and I see by a plan regarding other matters, sent through the Collector, that the circuit of the garden has been also surveyed.

8. I distinctly told Mr. Fox that I had nothing to do officially with the railway either here or elsewhere, and that I was merely speaking on the part of my landlord and with some view to my own personal interests.

9. Mr. Fox denied that he had ever been warned off by the owner's servants, but acknowledged that he would not have treated any Englishman in the same way.

10. My note to Colonel Shaw-Stewart was a private one; I had never claimed, or supposed that I had, any authority to prevent Mr. Fox from surveying land not my own. The Chief Engineer, South Indian Railway, and Deputy Consulting Engineer acknowledge that Mr. Fox committed an irregularity, and I own to having tried to save him from the consequences of his trespass and the destruction of trees on two lines.

11. I do not understand how my proceedings can be considered official.

No. 380. ORDER THEREON, 18th December 1874, No. 3,562.

ESTABLISHMENT, No. 30.

His Excellency the Governor in Council considers that Colonel Moberly's interference with the Surveyors in the performance of their duty was not justifiable, and that any objection which he had to offer to their proceedings, as affecting his own interests, should have been represented to the proper authorities.

(True Extract.)

Colonel, R.E.,
Secretary to Government.

To the Superintending Engineer, Chingleput.

Exd. S. T. Austin.
Spare Copies

No 2977

Chingleput Divl Engrs Office
Gundy 25th Novr 1874.

From
The Divisional Engineer
Chingleput

To
The Secretary to
Government

Sir,

In reply to G.O. No 3248 dated 17th November I have the honor to observe that Mr Fox's statement is utterly incorrect: The facts are as follow.

The owner of the house at Lydapett, which is being put in order for my occupancy, called my attention to the proximity to its outbuildings of a lockspit line laid down by the Carnatic Railway officers for the Salt Kotar branch line. His servants said that they had warned the Survey party that they were trespassing, but that they had ordered them away, and gone to the length of cutting trees without permission. They stated that the line might easily skirt the property by running near to the Mylapore tank bank, instead

of cutting it into 2 portions.—

I happened to meet one of the Surveyors as I was leaving the premises and remarked that he was trespassing. He replied "Oh! it is only a Natives' property." I answered that that ought to make no difference but if it did myself being the probable tenant would "settle it" or words to that effect. I wrote to Colonel Shaw Stewart a note informing him of the matter and asking that the line should be changed.—

A few days after, I met Mr Fox himself in the garden. He admitted my objection so far as it concerned my out houses, and proposed to remove the line a few feet further, and to the other side of a well from which my house is to be supplied. I pleaded still for my land lord, and we discussed the other line; I had not then seen it myself, But in reply to Mr Fox's objections remarked that the point where it passed the surplus channel from Mylapore Tank Caliyuleh must be higher than this line, and therefore could not require a bridge of larger waterway; that even if the railway was longer by 100 or 200 feet it would probably cost less to make than would the payment of compensation for this land, and the indirect injury to the property; which I knew from the owner, he was determined to claim, encouraged thereto by the success of another land owner in Egmore.

Mr Fox made some remarks to the effect that as a Government Servant I ought to assist him in procuring his own way, I replied that I was quite as much bound by the Act (X of 1870) as he was, and that even in cases where roads were laid out at the request and for the sole benefit of villagers I considered myself bound to look into any objections that might be made to me as District Engineer; and thought it was still more his duty to examine representations made by a land owner who could not get any advantage by the Salt line, but would suffer much annoyance by its passing close past his house, and through the middle of his garden. I under-

took

took that he should receive no hindrance if he would fairly examine the proposals, but must leave it to the land owner if he refused. Mr Fox ordered the removal of his stakes.

I have every reason to believe that a charge would have been made before the District Magistrate against Mr Fox but for the hope that an arrangement would be made through my note to Colonel Shaw Stewart.

I have since learned that Mr Fox had already surveyed the line near the tank, and cut several trees which obstructed his view; and I see by a plan regarding other matters sent through the Collector, that the circuit of the garden has been also surveyed.

I distinctly told Mr Fox that I had nothing to do officially with the railway either here or elsewhere, and that I was merely speaking on the part of my land lord and with some view to my own personal interests.

Mr Fox denies that he had ever been warned off by the owners servants but acknowledges that he would not have treated any Englishman in the same way.—

My note to Colonel Shaw Stewart was a private one; I have never claimed, or supposed that I had, any authority to prevent Mr Fox from surveying land not my own. The Chief Engineer South Indian Railway and Dy Consulting Engineer acknowledge that Mr Fox committed an irregularity and I owe it to having tried to save him from the consequences of his trespass and the destruction of trees on two lines.—

I do not understand how my proceedings can be considered official.—

I have the honor to be
Sir
your Most Obedient Servant
J. Nesbitt Coll RE
District Engineer
Chingleput

Proceedings of the Madras Government

Read the following:-

35-62

From the District Engineer
Chingleput

No. E. dt. 29th Nov 1874

To
The Honble
Chief Secretary to the
Government in Council
Madras

Sir

I have the honor to submit herewith my explanation of the circumstances which led to the interference of the Engineer of the Carnatic Railway Company at Lydapett with the work of the Public Department, and that I am ready to afford any explanation which they may require.

I have the honor to be
Sir
Your most obedient
humble servant
(Signed)

P. W. Dept.
From Govt. No. 7444.
The District Engineer
Chingleput
&
The Secretary to
Government
Dated 25th Nov. 1874
Received 28th
No. 2977
Submits his explanations & his conduct
in connection with
his interference with
the work of the
Engineer Carnatic
Railway Company
at Lydapett.
G.O. No. 3562 14-12-74.

No 379

Ltr Cir 8-12-74
Cir 28-11-74

the proper Authorities.

GWW

H. Majesty's Consul
Rhine has not
yet objecting to what
was brought down on
his return from
Frankfurt, to the
Governor, also Mr. Crowe
now acting "Consul
Gen. 1874", I beg
Mr. Crowe's enclosure to
Mr. Rodney's instructions with
the Despatches in the foregoing
Mr. Dent was appointed
Consul at Frankfurt
which he held up to
Consulate in Frankfurt

H. Majesty's Consul
Frankfurt a/M.

7444

+ as stating his
own interests
have been
represented to the proper
authorities.
4/12

28-11-74

H. Ex. Chinglepute
Despt. 19/12/74.
Contr. Enquiries with 3 Ap. Cubics
& 3 Cubics of 3268. Date
7/1/75

379-380.

Rec'd 8-12-74 1874

7442

Govt. of 1874 Madras.

PUBLIC WORKS

To

The Lieutenant Governor

Dated

Recd. Encl.

G. O. 16 Dec 1874. No. 3562

Nos. 375-380

Colonel F. I. Moberly. R.E.

Considering that Col. Moberly's interference with the Surveyors of the Railway Department in the performance of their duty was not justifiable, and that any objection which he had to the proceedings as affecting his own interests should have been represented to the proper Authorities.