1883.

P.W. Department.

Current No. 2634

From

Mr G. Duarte

No. ~

Dated 19-3-83

Received 28-3-83

Subject.

Submitting petition claiming compensation for damage done to his land adjoining the sea in the North Beach, caused by the Madras Harbour Works

Disposal.

No. 724 C Dated 2d April /83

Referred to the Suptt, Madras Harbour Works for any further remarks he may have to offer, and for report whether the land in question is within the area to be taken up on behalf of Government

Despt d (B.O.) 7-4-83
Entered in the [illegible] Register

Madras 19th March 1883

To
His Excellency the Right
Honorable Mountstuart
Elphinstone Grant Duff, C.I.E.
&ca &ca &ca
Governor of Fort St. George in Council

The humble petition of Gabriel Duarte

Humbly showeth_

That your Petitioner is the owner of a piece of free-hold land situated on the North Beach. This land was specially purchased at a higher figure than would otherwise have been given for it, in consideration of its being free-hold property, and on account of its occupying a valuable position on the borders of the sea, by which it was hoped a good income might be derived from it by way of rent, whereby your Petitioner's widowed daughter and her son, an orphan, who have been unprovided for, may derive an income from it for their support and maintenance.

Your Petitioner was however, not disappointed in realizing a good rental from this plot of ground for some time, averaging about Rs 40. per mensem, on timber stored thereon.

Since the erection of the

Harbour Works there was a gradual encroachment of the sea on this land, and in the Cyclone of November 1881, the sea encroached on account of the Harbour Works to such an unprecedented extent, as to have caused very great damage to the land, unknown at any previous storm; and loss to the Merchants whose timber stored thereon, was washed into the sea. This event instilled a dread in the Merchants, and prevented them from using the land for storing timber, for fear of a similar mishap occuring. From this time forward the sea was advancing daily more and more, and the Merchants looked upon the spot with the greatest distrust and fear, and nothing could induce them to use the land as heretofore. Seeing the dangerous and unsafe condition of the property, the authorities connected with the Harbour Works commenced laying a rail-road on the eastern side, just a foot beyond the borders of your Petitioner's land, for the purpose of conveying stones to be thrown into the sea, to prevent its further encroachment. This step necessarily cut off the road for traffic by the eastern side, and no timber could have been conveyed to your Petitioners land as formerly by this side, except by a circuitous route on the western side, which

entailed

entailed heavy expense to the owners of the timber, and tended more to prevent them from making use of the land.

Owing to these circumstances your Petitioner was unable to get his land tenanted as formerly, and the result has proved highly detrimental to the interest of your Petitioner and those concerned, as they have been deprived of the liberal rent hitherto realized from this land, nor could your Petitioner, considering what has happened, attempt as originally intended to erect any buildings on the spot, either for the purpose of realizing an income therefrom, or for him to dwell, and thus save the rent which he is now paying for lodgings.

Having thus been frustrated in turning to account the land which was acquired for a specific object, your Petitioner addressed the Acting Superintendent Harbour Works in October last on the subject, and claimed compensation for the loss sustained on account of the encroachment of the sea caused by the Harbour Works, and your Petitioner begs to enclose for your Excellency in Council's perusal copies of the principal correspondence which passed between your Petitioner and the acting Superintendent Harbour Works.

On the 28th Decr. last the acting Superintendent Harbour Works was pleased to ask for a plan of the ground to enable him to "plot it on his plans" with a view probably to show the extent of damage done to the land by the encroachment of the sea caused by the Harbour Works, which your Petitioner lost no time in sending. Your Petitioner waited till the 8th Feb: and not having heard further on the subject took the liberty to request the Acting Superintendent Harbour Works to expedite the matter, and received his reply of 28th idem also herein enclosed.

A fortnight ago your Petitioner from stress of circumstances tried to raise a loan upon mortgage of this piece of land from one of the loan funds, for a sum less than half its original value. The property had consequently to be surveyed by two Eurasian Appraisers of the Fund. Your Petitioner was greatly disappointed to learn from their report, that the property had considerably deteriorated in value in consequence of the encroachment

of

of the sea caused by the Harbour Works; the Directors of the Fund were therefore not disposed to advance the amount required by your Petitioner, this induced your Petitioner to ask for a second survey, and three of the Directors (one Eurasian and two Natives) were accordingly nominated to inspect and report upon the property in question, for which the usual extra fee was paid for this purpose, in the hope that a more favorable report might be given of it, so as to enable your Petitioner to obtain the loan applied for. The second survey proved worse than the first, for in their estimation they considered the land almost valueless in its present state, on account of the encroachment of the sea caused by the Harbour Works, and your Petitioner was unable to get even one fourth of what he required from the loan Fund.

Your Excellency in Council will see from the correspondence that has passed between the Acting Superintendent Harbour Works and your Petitioner, that the former admits the fact that damage has been done to your Petitioner's land, and the Surveyors reports go to substantiate the fact that a great depreciation has taken place in the value of the land by the, encroachment of the sea caused by the Harbour Works, and further that your Petitioner is unable, owing to the dangerous position his land is now placed, to turn it to any good account

Your Petitioner feels persuaded that this simple statement of facts will be sufficient to induce your Excellency in Council to take a generous and favorable view of your Petitioners case, and to grant him compensation for the loss he has sustained by the encroachment of the sea caused by the Harbour Works, as was done in the case of others who have suffered similarly; for which, your Petitioner as in duty bound will, ever pray.

G. Duarte

Ms 147
1034/83
3829

Enclosures
(1)

(True Copy) ~~G.D.~~

No. 414 M.

Madras Harbour Works.
30th November 1882

From
The Superintendent
Madras Harbour Works

To
Mr. G. Duarte

Sir,

I have considered your second letter to me of the 6th November 82 and having visited the land with you and having also examined the Plans in my Office recording the encroachments made by the sea since the year 1876 I can only repeat that but a small portion of your land was washed into in the great storm of November last year, and that portion was quickly restored to its former extent and level, and was protected by a stone revetment constructed at some expense by Government.

I admit I was under a misapprehension when I last wrote to you only as to the extent of your land, for I thought you held all of the land between the Oil cake factory and Shands Cotton Press; but you have shown me you hold only about the Southern half of that portion and on the southern half the encroachment last November was less than on the northern portion where indeed it was not very much. It was on the northern portion that I have seen so much timber stored this year, and I suppose it was only accidental that you did not also obtain tenants.

All who hold property of that class are subject to have it injured by the Act of God; but I do not consider you have established a claim to compensation from Government. If the assurance is of any benefit to you, I may state that the Madras Harbour Works do not intend to allow any further encroachment on your land, if it is possible to prevent it by strengthening the stone revetment which now protects it.

I have the honor to be
Sir
Your most Obedient Servant
(sigd) Nath. St. B. Beardmore. C.E.
Acting Superintendent.
Madras Harbour Works.

[illegible]

Enclosure
(2)

(True Copy) G

Madras 8th. Decr. 1882

To

N. St. B. Beardmore. Esq. C.E.
Acting Supdt. Madras Harbour Works

Sir

I beg to acknowledge receipt of your letter of 30th. Ult. in reply to mine of 6th. idem in which you state that "a small portion" only of my land had been washed into during the Storm of 1881, and that this portion has since been protected by a stone revetment at same expense on the part of Government. You further state that as you have seen much timber stored this year on the northern portion of the land adjoining mine, you suppose that it was "accidental" that I also did not obtain tenants. You observe moreover that all who hold property of this class are subject to have it injured by the "act of God", and finally you consider that I have not established my claim to compensation from Government.

I beg respectfully to state in reply that although you are disposed to view the damage done to my land on the occasion of the storm, as of slight importance, I deem it in my own interest to inform you that the damage has been sufficiently great to have caused material loss to me, in a pecuniary way, and almost permanent damage to my land, as it has prevented the merchants ever since from using the land for storing timber, I have been thereby deprived of the liberal rent I was getting for it.

You bring to notice that my land has,

since the storm, been protected by a stone revetment at some expense by Government. I feel quite thankful for this favor but I regret that I have been unable to realize corresponding benefits therefrom. Had this precaution been taken some time before the storm referred to probably my land might have been saved the damage done to it, the timber stored thereon might have been safe, and my interests protected. But the case now is different. The merchants are almost panic-stricken on account of the loss they suffered in that storm, have abandoned the place, and stored their timber elsewhere, and no assurance as to the present safety of the place can induce them to store on my land again.

With reference to your remark that you saw much timber stored this year on the ground adjoining mine, and your supposition that it was "accidental" that I did not get tenants, I beg to explain that the Burmah trading Coy. occupied the land mentioned by you on contract, to pay a certain amount of rent for it whether timber was stored on it or not. Consequently timber was always seen on the ground, and although they may have suffered as much as other merchants when the storm occurred, they were unable to do anything in the matter as there was no place available for storing their timber so advantageously and conveniently situated. They were therefore forced to occupy the land in the meantime; having obtained a place recently, formal notice was at once given to the owner to the effect that the land was no

longer

longer required, as it was found *unsafe* for storing timber thereon, *on account of the encroachment of the sea*, owing naturally to the Harbour Works. The timber is consequently now stored in another place. The case was different with my land. It used to be occupied by several merchants, more or less residents of Madras, and rent paid in proportion to the timber laid thereon. Some of the merchants were present when the storm in 1881 occurred, and they resolved immediately after their timber then on the land was sold, to abandon the place, which they accordingly did, and they have not resorted to it ever since; hence it will be perceived that it was not "accidental" that my land remained unoccupied.

In regard to your assertion that this class of property is subject to injury by the "act of God", I beg to state that although several severer storms happened prior to the one in 1881, this land had not suffered so much as on that occasion, it may therefore be fairly inferred, that what had taken place cannot be attributed to the "act of God" but rather to the Madras Harbour Works, and this has been acknowledged by all who witnessed the havoc done on that occasion.

In conclusion you state that I have not established my claim to compensation from Government. In reply I beg to observe that this claim was fully established at the time the damage was done to my land in November 1881 as attributable to the Harbour Works.

Works, and the damaging results that followed which emanated therefrom. Viz: the loss that the timber merchants experienced on that occasion by a portion of their timber then stored thereon being washed away, which induced them to discontinue storing their timber there afterwards, and the increasing encroachment of the sea, the result also of the Harbour Works, (although you are doing all you can to check it), cause a distrust and fear which prevent the land being used as formerly. These causes have contributed to entail a heavy loss on me, by my land remaining untenanted. As it at present stands the land is as worthless to me as if the whole had been washed away. Considering the heavy loss both past and prospective that I have sustained I trust you will acknowledge the justice of my claim, and compensate me accordingly as early as is convenient.

Pub Wks 5
2634/83
3937

I remain
Sir
Your most Obedt. Servant
(sigd) G. Duarte

Enclosure
(3)

(True Copy)

No. 443 M
From
The Acting Superintendent
Madras Harbour Works.
To
Mr. G. Duarte

Madras 18th December 1882

Sir

I have received your letter of 11th idem. Please send me a little plan of your land with the measurements of the boundaries correctly figured thereon

I am Sir
Your Obedient Servant
(sigd) Nath St. B. Beardmore
Acting Supdt. Madras Harbour Works

PW Cont
2634/B
2520

Enclosure
(4)

(True Copy) ~~(4)~~

No. 451 m.

From

The Acting Superintendent
Madras Harbour Works.

To

Mr G. Duarte

Madras. 28th December 1882.

Sir

With regard to the plan of your land forwarded with your letter of the 20th instant can you give me some further measurements shewing from what points (say from walls or houses) your land is measured, so that I can plot it on our plans – Your little plan (which I return for additions) with only the four boundary measurements is not sufficient for this as it is.

I am Sir
Your Obedient Servant
(sig) Nath St B. Beardmore C.E.
Acting Supt. Madras Harbour Works.

P.W. No 3
2634/83
2527

Enclosure
(5)

(True Copy)

Madras 8th. February 1883

To

N. St. B. Beardmore Esqr. C.E.
Acty: Suptt. Madras Harbour Works.

Sir

I shall esteem it a great favor if you will kindly do the needful to expedite the matter relating to compensation for my land on the North Beach. I may mention that the income derivable from this property is given for the support and education of a widow and an orphan child. I trust therefore the necessity which obliges me to trouble you with this letter will plead an ample apology for my doing so.

I remain
Sir
Your Obedt: Servant
(sigd.) G. Duarte.

Enclosure
(6)

(True Copy)

No. 528 M.

From
the Acting Superintendent
Madras Harbour Works

To
Mr. G. Duarte

Madras 28th Feby 1883.

Sir

In acknowledgment of your letter of the 8th instant, I have to inform you that I cannot do anything "to expedite the matter relating to compensation for your land on the "North Beach"".

I have already given you my opinion that I do not consider you have established a fair claim for compensation.

I am Sir,
Your Obedient Servant
(sigd.) Nath St. B. Beardmore
Acty: Supt. Madras Harbour Works.

21/3/83

Madras, 19th March, 1883.

To

The Chief Secretary to Government,
Fort Saint George.

Sir,

I have the honor to forward, herewith, the enclosed Memorial and request the favor of your submitting it for the consideration of His Excellency the Governor in Council.

I have the honor to be,
Sir,
Your most obedient Servant,

G. Duarte

Madras
2d April/83.

No. 724 C

PWC No ~~263~~ 292 E.8 [illegible]

E.7

Recd 28/3/83

Referred to the Superintendent, Madras Harbour Works for any further remarks he may have to offer, and for report whether the land in question is within the area to be taken up on behalf of Government.

(By order)

Major R.E.
Under Secretary to Govt.
P.W. Deptt.

MADRAS HARBOUR WORKS
APR 3 1883

CHIEF SECRETARY
20 MAR 83
GOVERNMENT OF MADRAS

Referred

No. 2 W.

FROM

THE ACTING SUPERINTENDENT,
MADRAS HARBOUR WORKS,

To

Colonel R. H. Sankey, C.B. R.E.
Secretary to Government,
Public Works Department,

MADRAS, 5 April 1883.

Sir,

I have the honour to return herewith the Petition of Mr. Gabriel Duarte with its enclosures, bearing your endorsement of the 2d April No. 724 C.

Enclosures 18

2. I have carefully investigated the land in question and have gone into the whole case with the result that I still fail to see that Mr. Duarte has any just claim against Government.

3. In November 1881 the sea encroached upon the land to a certain extent, and in restoring the line of railway along the beach for conveyance of stone to the regular Protective works, it became necessary to revet

the shore which bounds Mr. Duarte's land. At the present time a considerable quantity of timber is stored along the shore to the North and to the South of his property, and within 80 or 100 yards of it each way. This shews that the reluctance of the merchants to place timber on this portion of the beach has either been overcome or is not so great as Mr. Duarte imagines. —

4. In reply to the latter portion of your Memo: I have to state that the land in question is not in the area to be taken up by Government. It is situated between the Biden Sailor's Home and Shand's Cotton Press, and is not likely to suffer in any way unless a very heavy sea accompanied by an extraordinary high tide were

to

to attack it, and then it would unavoidably suffer irrespective of any Harbour Works. —

I have the honor to be,
Sir,
Your most Obed^t. Servant

F. W. Harrowgood. M. Inst. C.E.
Superintendent
Madras Harbour Works.

9050W-	8.3.82
698W-	17.3.82
980W-	14.4.82
1839W-	18.7.82
2263W-	2.9.82
2618W-	9.10.82
2704W-	17.10.82
2723W-	19.10.82
2799W-	25-10.82
3131W-	28-11.82
3276W-	12.12.82.
724C-	2-4-83.

S. W. Cho. 2929

Buildings & Roads

From
The Superintendent
Madras Harbour Works

No 21 W
Dated 5th April 1883
Recd. 6th

No of Enclosures 8

Submits Report on Mr. Duarte's Land at Royapuram.

OCS. 7.4
Ooty 9/4 Rtd 9/4
Cir: 11/4 R 17/4

Referred

No 1199 W Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 21st April/83.

Read the following

From Mr. G. Duarte dated 19th March 1883

From the Supdt. M.H. Works – " – 5th April 1883 No. 21 W

The petitioner is informed that the Government do not consider that he has established any claim to compensation

Ollt
10/4/83

Mr. G. Duarte ✓
Supdt. M.H. Works. ✓ [illegible] 21/4