(1) Number of pages ~~38~~ - 44 -

(2) Date of repair 29 - 7 - 87.

(3) Initials of the Referencer lomp ✓

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P. W. D. DEPARTMENT

G.O. No. / B.P. No. 1297-W. Press. / Mis.

Dated 4 - 5 - 1883. ~~198~~.

K.m.k.

Not to be folded or roughly handled.

Archives —I 10,006-9 68

4th May 1883, No. 1297 W., Public Works.

1297

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

Read—the following papers :—

From H. W. BLISS, Esq., Commissioner of Salt Revenue, to the Secretary to Government, Public Works Department, dated Chunampet, 24th February 1883, No. 2412.

Referring to paragraph 3 of G.O., dated 8th February 1883, No. 429 W., Public Works, I have the honor to state that the operations which are said to have resulted in the destruction of Messrs. Binny and Company's property at Ennore appear from the papers to have been conducted with the object of letting off the flood-waters of the Kortalayár, and not with the object of facilitating the manufacture of salt. As this Department was thus not concerned in the matter in any way, there would appear to be no reason for debiting it with any portion of the charge which Government have determined to pay on grounds which are not stated, but which presumably are that the plans of the officers of the Public Works Department (not of this Department) were unskilful.

From Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 17th March 1883, No. 4476.

With reference to paragraph 4 of G.O., No. 429 W., dated 8th February 1883, I have the honor to report that the larger bungalow belonging to Messrs. Binny and Company cannot be considered as safe owing to the set of the river against the adjacent land.

2. My own opinion is that it is not expedient that the property should be purchased on behalf of the Government, but that land-owners must protect themselves from encroachments that may be caused by a river that makes a shifting vent for its flood-waters in its natural course.

From Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 4th April 1883, No. 53.

With reference to your memorandum, No. 660-C., dated 20th March 1883, I have the honor to report that the cutting of the Ennore bar is necessary to prevent the Salt-pans near Ennore being flooded by inland drainage and the salt destroyed. Last November the cutting of the bar was applied for by the Assistant Commissioner of Salt Revenue when there were heavy floods and there was apprehension of the salt station being swamped.

2. No other public interests or property are affected by the opening of the bar.

3. The cutting of the bar is necessary in the interests of private property, just as the cutting of the Cooum and Adyar bars is necessary to prevent property being flooded in Madras when freshes come down the rivers and cannot flow out to sea.

4. Hence, if the Ennore bar were left alone, the lake would rise when the Kortalayár came down in flood, and the water would stand back over the salt-pans and round the bungalows. At last the water must reach the level of a low point of the beach and then a mouth will be formed for the discharge of the river.

ORDER—dated 4th May 1883, No. 1297 W., Public Works.

In G.O., No. 429 W., dated 8th February 1883, Government admitted the claim of Messrs. Binny and Company for compensation for the destruction of their Octagon Bungalow at Ennore by the set of the current over the bar at that place. The incidence of the charge of Rs. 4,000 was, however, held in abeyance pending receipt of information as to the interests involved in the cutting of the bar.

2. The Superintending Engineer now reports that the work is necessary to prevent the salt-pans near Ennore being flooded by inland drainage and the salt destroyed, and that the cutting of the bar was applied for last November, when there were heavy floods, to prevent the salt-pans being swamped. As regards the expediency of opening the bar in the interests of navigation, the Executive Engineer pointed out in his letter, No. 1395, dated 27th October 1882, that the opening of the bars "is not essential to the navigability of the Buckingham Canal," that the "process of salt cultivation tends towards lowering the water level in the canal as water is taken from the latter and evaporated over extensive flats in the shape of the salt-pans," and that the opening of the bars is "rather adverse than otherwise to the maintenance of a navigable depth of water in the canal."

3. The Government thereupon ruled in G.O., No. 2942 W., dated 8th November 1882, that "the cost of opening and closing the bars will therefore, as heretofore, be a charge against the Salt Department."

4. Resulting claims to compensation in consequence of action taken in the interests of the Salt Department are, in the opinion of His Excellency the Governor in Council, equally chargeable against that Department, which will now be debited with the sum of Rs. 4,000 paid from Provincial Funds under G.O., No. 429 W., dated 8th February 1883.

5. With reference to the remarks of the Commissioner of Salt Revenue at the end of his letter, No. 2412, dated 24th February 1883, Mr. Bliss will be instructed in the Revenue Department to confine his reports for the future to such points as may be referred to him, and will be informed that the Government view with displeasure the disparaging remarks he has placed on record with reference to the operations of the Public Works Department.

6. With reference to the private interests involved, the Superintending Engineer reports in his letter, No. 4476, dated 17th March 1883, that the larger bungalow belonging to Messrs. Binny and Company cannot be considered as safe owing to the set of the river against the adjacent land. But he is of opinion that no liability thereby attaches to Government for protection of the property, as it devolves on land-owners to protect themselves from encroachments that may be caused by a river that makes a shifting vent for its flood-waters in its natural course. Owners of property may perhaps, however, contend that the action of the Government in cutting the bar renders them liable for damages. On this point the opinion of the Advocate-General will be taken.

(True Extract.)

Major, R.E.,
Under Secy. to Govt., P.W.D.

To the Superintending Engineer, Fifth Circle,
with extract paragraphs 1, 2, 3, 4, and 6.
" Examiner of Public Works Accounts, with do.
" Government Solicitor, with do. and G.O., No. 429 W., dated 8th February 1883.
" Revenue Department.

Exd J. W. Fischer.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of (1883) Madras.

PUBLIC WORKS.

Dated May, 4th.

Recd. *Encl.*

G.O., 4th May 1883, No. 1297 W.

MAY.

Ennore Bar

Passing orders regarding the liabilities of the Public Works and Salt Departments with reference to the damage caused by the opening of the —.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

General.
Account.

No. 64.

READ—the following papers:—

From Messrs. BINNY AND Co., to the Secretary to Government, Public Works Department, dated Madras, 11th December 1882.

With reference to the enclosed copies of our letter of the 1st instant, to the Collector of Chingleput, and his reply thereto of the 6th idem, we have the honor to forward, herewith, our bill for Rs. 4,000 for damage done to our property at Ennore, and have the honor to request you will be good enough to have the same passed for payment at an early date.

No. 2311 C.

Referred to the Superintending Engineer, Fifth Circle, for investigation and report.

13th December 1882. (Signed) R. H. SANKEY, Colonel, R.E.,
Chief Engineer, P.W.D.

No. 64-A.

From Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 29th January 1883, No. 3730.

I have the honor to return letter * from Messrs. Binny and Co., endorsed to me, No. 2311 C., dated the 13th December 1882, and to enclose letter, No. 1840, dated the 15th instant, from the Executive Engineer of the Buckingham Canal Division.

One endorsement, No. 2311 C., of 13th Dec. 1882, on letter from Messrs. Binny and Co. with its three enclosures.
One letter from the Executive Engineer, Buckingham Canal Division, No. 1840, dated 15th January 1883.

2. Messrs. Binny and Co. state—

I. Colonel Moberly commenced the present system of opening the Ennore Bar close to their property; hence there was danger to it, and objections were made by them.

II. Bit by bit the land has disappeared, and the bungalows have fallen, the protective works having proved abortive.

III. In October 1879 the Executive Officer wrote that there was likely to be a permanent bar, and asked what compensation would be accepted if the

* Dated 1st December 1882.

octagon bungalow were purchased. In November 1879 Messrs. Binny and Co. said they would accept Rs. 4,000. There was intermediate correspondence involving the question whether the existing large bungalow would be endangered. But, owing to the bar being opened at this unusual place, the octagon bungalow is destroyed, and a demand is made for the sum of Rs. 4,000.

3. I. The Executive Engineer refers to the Order of Government, No. 3253, of the 13th November 1875, in which it is desired that the cut for the relief of the flood-water should be made so as not to be likely to work back as far as the boundary of Messrs. Binny and Co.'s property. Upon this Colonel Moberly showed that the river was deflected from the north bank even to the south of the channel which he had opened into the sea, so that this channel did not affect Messrs. Binny and Co.'s property.

II. Major Drake-Brockman adds that the erosion of the south margin of the river and the adjacent buildings was only a question of time; and the opening of a small channel could not have influenced the action of floods in the Corteliar, the tendency of the river being to work its mouth gradually to the south.

III. The Executive Engineer shows that there was no intention on his part to purchase the octagon bungalow. Assistant Engineer Mr. Ottmann asked Messrs. Binny and Co. what value they set upon the building, and said there was a likelihood of a permanent opening being made into the sea near the octagon bungalow. But this permanent cut has not been made, and the demand for compensation on this ground cannot be entertained.

4. It is shown in Colonel Moberly's letter, entered in G.O., No. 3416, of the 1st December 1875, that Messrs. Binny's old bungalow was injured by the set of the river in 1873; and in paragraph 4 of the same letter it is said that "it does not matter where the outlet is made." The Government then ordered that the cut should be made as marked by red lines on the plan.

This plan has not been kept; but I understand that the cut has been, since 1875, made at about the same place.

Hence on the first point I am of opinion the damage to property has been the natural result of the course of the river, and not brought about by the small artificial cut.

5. As regards the failure of Protective Works II, an attempt was certainly made on a small scale to arrest the progress of erosion. Now, in many places, the Government have had protective embankments made on the sea coast and on river banks; but there has not thereby been any liability incurred, so that the Government has become responsible for damage incurred by accidents to the embankments.

In the present case there is no good reason for bringing forward a private claim.

6. The third ground of claim is based on the supposition that a permanent opening was to be made into the sea, but no such work has been attempted; the river came down in very high flood, and the octagon bungalow has now met with the same fate that befell the other bungalow several years ago.

No. 64-B.

From Messrs. BINNY AND Co., to the Secretary to Government, Public Works Department, dated Madras, 23rd January 1883.

We have the honor to draw your attention to our letter of the 11th ultimo, in which we enclosed a bill for Rs. 4,000 for damage done to our property at Ennore, which we shall be glad to hear has been passed for payment.

No. 64-C.

From Colonel R. H. SANKEY, R.E., Secretary to Government, Public Works Department, to Messrs. BINNY AND Co., Madras, dated 26th January 1883, No. 271 C.

I have the honor to acknowledge the receipt of your letter of the 23rd January 1883, and to inform you in reply that the claim made on account of damage to your property at Ennore is under inquiry. The matter will be disposed of as early as practicable.

No. 272 C.

Copy of the above forwarded to the Superintending Engineer, Fifth Circle, for early attention in continuation of endorsement, No. 2311 C., dated 13th December 1882.

26th January 1883. (Signed) R. H. SANKEY, Colonel, R.E.,
Chief Engineer, P.W.D.

No. 65.

ORDER—dated 8th February 1883, No. 429 W., Public Works.

The Government resolve to admit the claim put forward by Messrs. Binny and Co. for compensation for the destruction of their octagon bungalow at Ennore by the set of the current over the bar at that place, and authorise the Executive Engineer, Buckingham Canal Division, to disburse at once the amount claimed, viz., Rs. 4,000, which also includes the value of the land attached to the bungalow.

2. An appropriation of Rs. 4,000 is now made to cover the charge from the Provincial Reserve.

3. The incidence of the charge will be definitely settled on receipt of such remarks as the Commissioner of Salt Revenue may have to offer on this point. Mr. Bliss is requested to be good enough to report on the matter at an early date.

4. The Superintending Engineer will report whether the adjacent bungalow is also in danger of destruction, and, if so, whether it would be expedient to acquire the property on behalf of Government.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Fifth Circle.
" Examiner of Public Works Accounts.
" Commissioner of Salt Revenue.
" Board of Revenue.
" Revenue Department.

Exd. C. Howarth.
Spare Copies

GENERAL.
ACCOUNT.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated February, 8th.

Recd. *Encl.*

G.O., 8th Feb. 1883, No. 429 W.

FEBRUARY.
Nos. 64-65.

Compensation.

Passing orders on the claim of Messrs. Binny and Co. for — for the destruction of their property at Ennore.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Buildings and Roads.
Civil Works.

Read—the following papers :—

From the Commissioner of Salt Revenue, dated Chunampet, 26th February 1883, No. 2412.

From Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 17th March 1883, No. 4476.

With reference to paragraph 4 of G.O., No. 429 W., dated 8th February 1883, I have the honor to report that the larger bungalow belonging to Messrs. Binny and Company cannot be considered as safe owing to the set of the river against the adjacent land.

2. My own opinion is that it is not expedient that the property should be purchased on behalf of the Government, but that land-owners must protect themselves from encroachments that may be caused by a river that makes a shifting vent for its flood-waters in its natural course.

From Colonel H. L. PRENDERGAST, R.E., Superintending Engineer, Fifth Circle, to the Chief Engineer, Public Works Department, dated Chepauk, 4th April 1883, No. 53.

With reference to your memorandum, No. 660-C., dated 20th March 1883, I have the honor to report that the cutting of the Ennore bar is necessary to prevent the Salt-pans near Ennore being flooded by inland drainage and the salt destroyed. Last November the cutting of the bar was applied for by the Assistant Commissioner of Salt Revenue when there were heavy floods and there was apprehension of the salt station being swamped.

2. No other public interests or property are affected by the opening of the bar.

3. The cutting of the bar is necessary in the interests of private property, just as the cutting of the Cooum and Adyar bars is necessary to prevent property being flooded in Madras when freshes come down the rivers and cannot flow out to sea.

4. Hence, if the Ennore bar were left alone, the lake would rise when the Kortalayár came down in flood, and the water would stand back over the salt-pans and round the bungalows. At last the water must reach the level of a low point of the beach and then a mouth will be formed for the discharge of the river.

Order—dated 4th May 1883, No. 1297 W., Public Works.

In G.O., No. 429 W., dated 8th February 1883, Government admitted the claim of Messrs. Binny and Company for compensation for the destruction of their Octagon

Bungalow at Ennore by the set of the current over the bar at that place. The incidence of the charge of Rs. 4,000 was, however, held in abeyance pending receipt of information as to the interests involved in the cutting of the bar.

2. The Superintending Engineer now reports that the work is necessary to prevent the salt-pans near Ennore being flooded by inland drainage and the salt destroyed, and that the cutting of the bar was applied for last November, when there were heavy floods, to prevent the salt-pans being swamped. As regards the expediency of opening the bar in the interests of navigation, the Executive Engineer pointed out in his letter, No. 1395, dated 27th October 1882, that the opening of the bars "is not essential to the navigability of the Buckingham Canal," that the "process of salt cultivation tends towards lowering the water level in the canal as water is taken from the latter and evaporated over extensive flats in the shape of the salt-pans," and that the opening of the bars is "rather adverse than otherwise to the maintenance of a navigable depth of water in the canal."

3. The Government thereupon ruled in G.O., No. 2942 W., dated 8th November 1882, that "the cost of opening and closing the bars will therefore, as heretofore, be a charge against the Salt Department."

4. Resulting claims to compensation in consequence of action taken in the interests of the Salt Department are, in the opinion of His Excellency the Governor in Council, equally chargeable against that Department, which will now be debited with the sum of Rs. 4,000 paid from Provincial Funds under G.O., No. 429 W., dated 8th February 1883.

* * * * *

6. With reference to the private interests involved, the Superintending Engineer reports in his letter, No. 4476, dated 17th March 1883, that the larger bungalow belonging to Messrs. Binny and Company cannot be considered as safe owing to the set of the river against the adjacent land. But he is of opinion that no liability thereby attaches to Government for protection of the property, as it devolves on land-owners to protect themselves from encroachments that may be caused by a river that makes a shifting vent for its flood-waters in its natural course. Owners of property may perhaps, however, contend that the action of the Government in cutting the bar renders them liable for damages. On this point the opinion of the Advocate-General will be taken.

(True Extract.)

(Signed) R. H. SANKEY, Colonel, R.E.,
Secretary to Govt., P.W.D.

To the Superintending Engineer, Fifth Circle,
with extract paragraphs 1, 2, 3, 4, and 6.
" Examiner of Public Works Accounts, with do.
" Government Solicitor, with do. and G.O., No. 429 W., dated 8th February 1883.
" Revenue Department.

Exd. J. W. Fischer.
Spare Copies

BUILDINGS AND ROADS.
CIVIL WORKS.

Govt. of {1883} Madras.

PUBLIC WORKS.

Dated May, 4th.

Recd. Encl.

G.O., 4th May 1883, No. 1297 W.

MAY.

Ennore Bar

Passing orders regarding the liabilities of the Public Works and Salt Departments with reference to the damage caused by the opening of the —.

W.

From

Salt Commr

Do ltr of 24/4/83

—

I do not think that the charge can be debited to Salt —

But I think Govn this ought to be informed Govt consider ~~that~~ ~~that~~ the insinuation contained in the last sentence of his letter, which is altogether without foundation, to be exceedingly improper —

As far as can be judged the opening of the bar is only necessary either the interests of the P.W. Dept., & in those of house owners whose compounds are liable to be submerged; and as the former repudiate any interests in the matter, while the latter demand compensation for any injury caused by the opening, it will be desirable for us to decline to meddle with it in future.

On this point however we must await Major Drake Brockman's report

D.W.

Quite so — but await Major D.-B's report — 2/4

Bliss considers our action [illegible] 27/3

In [illegible] I would decline to meddle in future the opening of any of the [illegible] bars (102)

14/4 R 17/4
19/4 R 19/4

~~To H. E. Sullivan~~

~~Hon D. F. Carmichael~~

For orders

Before framing the orders in this case I would beg to offer for consideration the following observations in regard to the point adverted to in the early part of the H.M.'s note — a matter which I find I had not sufficiently dwelt on in my O.N. of 9/4/83 — 1197

It is quite true that in the interests of private owners of houses at [illegible] the Government might on occasion of severe flood undertake to open the bar, though as a rule I should say that the river as in nearly all cases would do this in all extreme cases — by bursting through at the lowest point of the sand spit wherever that may happen to be at the time

In such very exceptional cases however as the Govt. might thus wish to step in the bar we may be sure would be opened well to the north of any private property so as to prevent the possibility of damage to such occurring.

When however it has been decided to open a bar in the interests of the Salt Department the point for operating on the sand spit has to be determined on quite other considerations the chief of which is that the centre of the mouth shall be as near as possible to the current passing through both in ebb & flow — in fact as normal as possible to the direction of the river so as to cause the mouth keeping open* as long as possible — This is an essential condition and ties the Dept. down to a particular point whether that be inimical or the reverse to the interests of private property — the this since therefore the incidence of the charge should I venture to think fall on the Salt Dept.

11.4.83

* To keep up a supply of fresh sea water for the Salt pans

I still think it would not be fair to debit the Salt Department at any rate with all the cost — but take the opinion of Hon'ble W. Carmichael

H.E.S.
16/4

I incline to think it may properly be charged to Salt

18/4 D.H.

~~Hon H E Sullivan~~

For orders 9/

From G.O. 8th Feby 1883 No 429 W it will be observed that the claim for compensation by Messrs Binny & Co amounting to Rs 4000 was admitted by Govt. on account of the washing away of their Octagon bungalow at Ennore from erosion produced by the opening of the bar at that place

Much diversity of opinion has existed all along even among Engineers as to whether Government incurred any responsibility for damage to private property in opening the bar the general contention being that private individuals

It is true that the Dept. Salt Commissioner applied for the bar to be opened but as it appears from the report of the Asst. Engineer, & his protest in the analogous cases of the Coovum & the Adyar that this is necessary in the interests of private property as well the cost of the damage done to Binny's bungalow cannot in fairness be debited against Salt Revenue. Mr. Bliss should however be instructed to confine his reports for the future to such points as may be referred to him and be informed that the Govt. view with displeasure the disparaging remarks he has placed on record with reference to the operations of the P.W.D. regarding which they do not consider him competent to

Cir. 9/4 R 11/4
Recd: 11/4 R 17/4 Again 17/4 R 19/4

who constructed houses within dangerous limits did so with their eyes open, and must protect themselves

This contention would be perfectly sound if the river were left to take its own course — no claim for compensation would have a chance before any Court.

But it was felt that when in the interests of the Salt revenue the opening of the bar was essential in order to prevent the Salt Kotams from being flooded by fresh water, and the Dept. was called in to do the work the question assumed a very different character

The Department had to decide the question as to which point in the sand spit it would be best to open the

offer an opinion

As regards Messrs Binny & Co's other bungalow — I think with reference to the Supdg Engineer's letter of 17th ult. No 4476 that the opinion of the Advocate General should be taken in regard to the liability of the Govt. of this building, which it is said cannot be considered as safe, & follows the other two. Col. Prendergast says its peril is due to the natural set of the river but they will of course put it down to the bar having been opened in a new place — If the Adv. Gen. says that Govt is not responsible we will formally notify the same in anticipation of disaster to the owners who will then take measures to protect their property

16/4

18/ except as regards charging the Salt Dept. — wh. I think very proper

bar (1) as regarded the success of the operation itself (2) as regarded maintaining the bar open subsequently for the longest possible period

In this case if the destruction of the bungalow followed on the opening of the bar, whatever might have been the carelessness of the owners even as regards obvious precautions, it seemed almost certain that a Court would rule in their favor

It being thus to all appearances useless to contest the matter it was decided to pay the money demanded in compensation

In his reply letter No 2412 of the 24 Febr. Mr Bliss contends that the opening of the Ennore bar was carried out "with the object of letting "off the flood waters of "the Cortelliar, and not "with the object of facilitating "the manufacture of Salt adding that his department "not concerned in the matter in any way" and repudiates all responsibility for the charge.

Mr Bliss concludes with an insinuation that the destruction of his bungalow was due to the unskilfulness of the officers of this department — a matter which will call for consideration further on.

In his letter No 6486 printed with G O of the 8th Nov. 1882 No 2943 W the Commissioner of Salt Revenue contended para 3. (not for the first time) that as "an adequate "supply of sea water" "is equally required to "keep the canal complete" Government should be moved to direct that the cost of opening the bars be in future a charge against the canal and not against his department.

In his reply No 1395 of 27th October Major Drake Brockman the Executive Engineer of the Bm Canal showed conclusively that not only was the opening of the bars "not "essential to the navigability of the Buckm. Canal", but on the contrary that, as "the process "of salt cultivation tends", "towards lowering the "water-level in the canal "as water is taken from "the latter and evaporated "over extensive flats in "the shape of the salt "pans" the opening of the bars is "rather adverse than otherwise "to the maintenance "of a navigable depth "of water in the canal"

As the result of this correspondence the Govt in G.O. of 8th Nov. No 2942 W distinctly ruled that "the cost of opening and

"Closing the bars will
"therefore as heretofore
"form a charge against
"the Salt department"

A copy of the correspondence and order was duly sent to Mr Bliss, but as will be observed by his letter of the 24: Febr. he again asserts that his Department is "not concerned in the matter in any way" and is not only unconvinced but quite determined not to abide by the decision of Government

The insinuation he moreover makes as to the unskilfulness of the Department's work in opening the Ennore bar is not only unfounded and quite uncalled for but comes with a very bad grace from him

Bliss

For years this department has accepted a great deal of trouble and responsibility in opening and keeping open the bars at Covelong and Ennore because he represented that he had no fit establishment for the work — owing to this indeed we have willingly undertaken a most troublesome duty, and one which is not only useless but injurious to the preservation of the water body in the Canal

I would therefore submit that Mr Bliss be informed once for all that the question of the incidence of these charges has been definitely settled and must not again be raised

If Mr Bliss declines to withdraw the insinuation of which I have complained

I trust I am not unreasonable in requesting that this department may be relieved in future ~~of~~ the duty of opening the bars in question for the Salt Dept.

In regard to the question immediately at issue viz. the incidence of the charge of Rs 4000 paid as compensation to Messrs Binny & Co. [illegible] ~~this~~ might have been set at rest without any reference to the Commr of Salt Revenue; but should any doubt have remained on the subject this is removed by the statement made by the Superintg Engineer in his letter No 53 dated April the 4th 1883 in which he reports ~~that~~ "in last November the cutting "of the bar was applied for by the Asst. "Commissioner of Salt revenue when there "were heavy floods &c."

Orders solicited.

9.4.83

Correspondence Department.

No. 2412

OFFICE OF THE COMMR. OF SALT REVENUE,
On Circuit ~~Madras~~ Chunampet
Dated February 24, 1883.

From

H. W. BLISS, Esq.,
issioner of Salt Revenue,

To

The Secretary to Government,
Public Works Department
Madras

SIR,

Referring to para 3 of Government Order, February 8, 1883, No 429 W, Public Works, I have the honour to state that the operations which are said to have resulted in the destruction of Messrs Binny and Company's property at Ennore appear from the papers to have been conducted with the object of letting off the flood waters of the Corteliar and not with the object of facilitating the manufacture of Salt. As this Department was thus not concerned in the matter in any way, there would appear to be no reason debiting it with any portion of the charge which Government have determined to pay on grounds which ar t stated, but which presumably

presumably are that the plans of the Officers of the Public Works Department (not of this Department) were unsk[illegible]d.

I have the [illegible]ly,
Sir,
Your most obedient Servant

Commissioner of Salt Revenue

[illegible] No. 175

188

From

THE COMMR. OF SALT REVENUE,

Madras,

To

THE SECRETARY TO ~~THE~~ Government Public works Department
~~BOARD OF REVENUE,~~

Madras.

Dated 24-2-83
Despatched
Received 28-2-83

No. 2412

Enclosures.

SUBJECT.

Furnishing the report called for in para 3 of G.O. February 8, 1883 No 429W. P.W. passing orders on the claim of Messrs Binny & co for compensation for the destruction of their property at Ennore.

P.S. 4-4

Cir: 9/4 R 11/4 Again 17/4 R 19/4
Recir 17/4 R 17/4

No. 4476

SUPERINTENDING ENGINEER'S OFFICE,
5TH CIRCLE, MADRAS,
Chepauk 17th March 1883

P 2

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
P.W.D.

15

Enclosures.

SIR,

With reference to para 4 of G.O. No 429W dated 8th February 1883 I have the honor to report that the Carriage Bungalow belonging to Messrs Binny & Co cannot be considered as safe to the set of the River against the adjacent land.

2. My own opinion is that it is not expedient that the property should be purchased on behalf of the Government but that land owners must protect themselves from encroachments that may be caused by a River that makes a shifting bed for its flood waters in its natural course.

I have the honor to be
Sir
Your most obedient Servant

[illegible]

Superintg Engr
5 Circle

From P.W.C. No. 2387

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
P.W.D.

Dated 17th
Recd. } March 1883.

ENCLOSURES.

No. 4476

Larger Bungalow of Messrs Binny & Co. at Ennore — Reporting that the — is unsafe and that it is not expedient to purchase it on behalf of Government for the reasons assigned.

KW

76

No. 53

SUPERINTENDING ENGINEER'S OFFICE,
5TH CIRCLE, MADRAS,
Chepauk, 4th April 1883.

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
P.W.D.

closures.

SIR,

With reference to your Memorandum No. 660/C dated 20th March 1883, I have the honor to report that the cutting of the Ennore bar is necessary to prevent the Salt Pans near Ennore being flooded by rain and drainage, and the salt destroyed. Last November, the cutting of the bar was applied for by the Assistant Commissioner of Salt Revenue, when there were heavy floods, and there was apprehension of the Salt Station being swamped.

2. No other public interests or property are affected by the ope

ing

opening of the bar.

3 The cutting of the bar is necessary in the interests of private property, just as the cutting of the Cooum and Adyar bars, is necessary to prevent property being flooded in Madras; when freshes come down the Rivers and cannot flow out to sea.

4. Hence, if the Ennore bar were left alone, the lake would rise when the Cortelliar came down in flood; and the water would stand back over the Salt pans, and round the bungalows. At last, the water must reach the level of a low point of the beach, and then a mouth will be formed for the discharge of the river.

P G

17

I have the honor to be
Sir
Your Most Obedt Servt.
Arch. Prendergast Coll R.E.
Superintg Engr
5th Circle

fo 2988 - 26.10.75
3253 - 13-11.75
3416 - 1-12.75
2943W - 8-11.82
115W - 11.1.83
429W . 8.2.83
660C . 20.3.83

From

THE SUPERINTENDING ENGINEER,
5TH CIRCLE,

To

THE Chief Engineer
P.W.D.

Dated 4th }
Recd. } April 1883.

ENCLOSURES.

No. 53

Ennore bar — Reporting that the cutting of the — is necessary to prevent Salt pans being flooded and the salt destroyed.

V.L. 4/4
O.O. by 6/4 Rep'd 2/5
Recd 4/4 R 7/4 Cir. 9/4 R 11/4 again 17/4 R 19/4

[illegible] in all copies except for [illegible] [illegible]

No. 1294W Public Works Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT

Under date the 4th May/83.

X8 Read the following

Letter from the Commissioner of Salt Revenue, Madras } (R.E. No. 2412 d/24th Feby 1883)

" from the Supdg. Engr. Fifth Circle (" " 1447b d/17th March ")

" from the do do (" " 53 d/4th April ")

P.S.

In G.O. 429W dated 8th February 1883 Government admitted the claim of Messrs Binny & Co. for compensation for the destruction of their Octagon Bungalow at Ennore by the set of the current over the bar at that place. The incidence of the charge of

Rs 4,000/- was however held in abeyance pending receipt of information as to the interests involved in the cutting of the bar.

2. The Supdg Engineer now reports that the work is necessary to prevent the Salt Pans near Ennore being flooded by inland drainage and the Salt destroyed, and that the cutting of the bar was applied for last November, when there were heavy floods, to prevent the Salt Pans being swamped. As regards the expediency of opening the bar in the interests of

19

navigation, the Executive Engineer pointed out in his letter No. 1395 dated 27th October 1882 that the opening "of the bars is not essential "to the navigability of the "Buckingham Canal," that the "process of Salt cultivation "tends towards lowering the "water level in the Canal "as water is taken from the "latter and evaporated over "extensive flats in the "shape of the Salt pans," and that the opening of the bars is "rather adverse "than otherwise to the main-"tenance of a navigable "depth of water in the "Canal."

3. The Government thereupon ruled in G.O. 2942 W dated 8th November 1882 "that "the cost of "opening and closing the "bars will therefore as "heretofore be a charge "against the Salt Dept."

4. Resulting claims to compensation in consequence of action taken in the interest of the Salt Dept. are in the opinion of His Excellency the Governor in Council equally chargeable against that Department which will now be debited with the sum of Rs. 4,000-/ paid from Provincial Funds under G.O. 419 W dated 5th February 1883

5. With reference to the remarks of the Commissioner of Salt Revenue at the end of his letter No. 2412 dated 24th February 1883, Mr. Bliss will be instructed in the Revenue Department to confine his reports for the future to such points as may be referred to him, and will be informed that the Government view with displeasure the disparaging remarks he has placed on record with reference to the operations of the S. W. Department.

~~[illegible] His Excellency~~

~~the G[illegible] Council~~

~~he is not considered competent to offer an opinion~~

6. With reference to the private interests involved the Supdg. Engineer reports in his letter No. 2476 dated 17th March 1883 that the larger Bungalow belonging to Messrs Binny & Co. cannot be considered as safe owing to the set of the river against the adjacent land - But he is of opinion that no liability thereby attaches to Government for protection of the property - as it devolves on land owners to protect themselves from encroachments that may be caused by a river that makes a shifting vent for its flood waters in its natural course. - Owners of property may perhaps, however, contend that the action of the Government in cutting the bar - renders them liable for damages - On this point the opinion of the Advocate General will be taken.

R

25/4/83

To,

The S.E. Fifth Circle with Extracts paras 1, 2, 3, 4 and 6 7
" Examiner P.W. Accts - ditto - 11
" Govt. Solicitor - ditto - 3 and G.O. 429 W. of 8 Feby 1883.
" Revenue Department. 21

(The Revenue Secretary for counterinitials)

F.W.

Despd 12/5

21

g g

1759
2904
2387

Govt. of (1883) Madras.

PUBLIC WORKS.

5/5

Dated

Recd. Encl.

G.O. 4 May 1883, No. 997 W

Nos.

Ennore Bar

Issuing orders regarding the liabilities of the Public Works and Salt Depts with reference to the damage caused by the opening of the —

30/4

42/2

Endorsed in Receipt Register