M.R.O. 14—18,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1846 Press ~~Mis.~~

70-71

Dated 8 — 10 — 1864.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department, 8th October 1864.

No. 70. Read the following Proceedings of the Board of Revenue, dated 22nd September 1864, No. 6,255.

Read the following letter from J. FRASER, Esq., Officiating Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 6th September 1864, No. 229 :—

1. I have the honor to acknowledge receipt of the Proceedings of Government, Revenue Department, of 9th August 1864, and the Order thereon, No. 1,434 of the same date.

2. I have ascertained that there is no resident of Cocanada or Jaggannaikpoor willing to contribute even a single pie towards the purchase of M. LeFaucheur's house.

Submitted for the information and orders of Government with reference to their Order quoted by the Collector.

No. 71. ORDER THEREON, 8th October 1864, No. 1,846.

Miscellaneous.

1. The Collector and Superintending Engineer are requested to suggest the most advisable means of disposing of this property (supposing it to be purchased by Government), its probable cost and the sum likely to be realised by re-sale.

2. The Government wish also to be furnished with a copy of the plan referred to in paragraph 8 of the Honorable the President's Minute, dated 15th October 1859.

(True Extract.)

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

To the Board of Revenue.
„ the Department Public Works.

Exd, S. T. Augustin.

No. 3,177.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd May 1864.

Read the following letter from the Acting Sub-Collector in charge of the Godavery District, dated Cocanada, 7th May 1864, No. 115:—

1. I have the honor to forward for the Board's orders, the correspondence which has taken place regarding M. LeFaucheur's objections to the road being raised in front of his house, and his request for compensation in event of such road being made.

2. I have visited the spot two or three times, one of which was in company with Colonel Chambers and Major Stoddard.

3. M. LeFaucheur's house is raised only about half a foot from the ground, and if the road were raised to the whole height originally intended, the house would be very seriously damaged, for, the road being adjacent to the house, and raised to a height of four feet, all the drainage on the side of the house, would fall in all probability inside the house; besides which, the owner would be put to great inconvenience by being looked down upon by all passers by and the loss of the free circulation of air.

4. The Engineer officers have however promised not to raise the road exactly in front of the house, but gradually to slope it on each side so that in front of the house there will be a depression.

5. In this case M. LeFaucheur fears that the depression will only be a temporary measure, and that it must be found necessary in a short time to raise the road every where, even in front of his house to one level.

6. The great object of raising the road is to protect the town from flooding during high tides. The consequence therefore of having the depression, as suggested by the Engineers, will be, M. LeFaucheur's house will be entirely unprotected should an extraordinary tide rise, and an inlet will be allowed for the water, entering at the depression to flood the rest of the town.

7. I think myself that M. LeFaucheur's request is a very reasonable one, namely, that the probable damage, before making the road, which he thinks must necessarily be made sooner or later, may be estimated by arbitrators and made good to him.

8. It is a pity M. LeFaucheur was ever allowed to purchase the house, whose situation is such that for the requirements of this town it is an obstruction to the even line of building which alone ought to be erected facing the harbour.

9. M. LeFaucheur has however raised warehouses near, and increased the value of the house, which from its nearness to the sea, distance from neighbouring houses, and proximity to the harbour, is one which offers many advantages particularly to a mercantile man.

10. I should however recommend the purchase of the house by Government even at the risk of having to pay a very heavy price for it.

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ENCLOSURE No. 1.

From M. E. LEFAUCHEUR, to H. NEWILL, Esq., Collector and Magistrate of the Godavery District, dated Cocanada, 8th April 1864.

1. I have the honor to communicate to you a letter I wrote to Major Stoddard on the 18th March, and his answer to it. You will see from this correspondence that the road in front of my house is to be raised presently to two feet, and hereafter to four feet. The simple inspection of the place proves enough how detrimental this will be, both to my house and to my compound, which entered to more than 200 yards on the side of the said road. Indeed, the road, if raised would be higher than the floor of my verandah which stands by its side; the dispositions of the house would render it then completely uninhabitable.

2. I own with Major Stoddard that it would be unreasonable that the safety of the whole town should be sacrificed to the present interests of a few private individuals; as a professional man he must be right when he says that the object of the raising of the road, is to protect the town against inundations. I am ready, therefore, to contribute proportionally to the works so said to be beneficial to the public, but it must be confessed that, between such proportional contribution, and the great damage done to my property, there is indeed too great a difference.

3. I have been told that such damage should be ascertained by two arbitrators named, one by Government and the other by me. I am quite ready to submit my claims for compensation to such arbitration, and would be glad if you could authorize it.

4. As a stranger, I am not acquainted, nor can I find any body here to acquaint me with the laws which must necessarily exist to protect me in this case. I can consequently ground my claim but upon that general law of common sense, which tells me that no body is to suffer from another, be it from a private individual or from Government, without being entitled to reparation.

5. I beg at last to submit for consideration, that as a merchant in this place since five years, I have contributed to its prosperity on a scale which the Sea Customs return might apprise. I dare say, therefore, that it would be most unjust, and that Government cannot suffer consequently, that the earnings to which my trade entitles me should be applied to pay in such disproportion, the works undertaken for the benefit of the country.

6. As my natural protector here, I beg therefore, Sir, to apply to you, and pray you to take my claims in consideration, and to submit it to Government if necessary.

From M. E. LEFAUCHEUR, to Major J. F. STODDARD, Executive Engineer, dated Cocanada, 18th March 1864.

1. Although the community of Cocanada addressed to the Collector a Petition that the elevation of road, which has just been commenced, might be discontinued, I deem it advisable for my own interest, to represent to you how gravely such works inconvenience me, and to demand redress.

2. I have no doubt that my claim for consideration will meet with perfect justice at your hands, and I present it with a sure feeling that you will decide upon it in an equitable manner. It is unnecessary that I should indicate how very detrimental to me is the raising of the road in the front of my property. You have been good enough to promise me that the space facing the house will remain open for the present; but this promise, for which I thank you however, carries with it no right upon which I can demand its continuance; considering therefore the great prejudice to my property, which the carrying out of the work would effect, I beg in the event of its being decided, to place that property at your disposal, at the price at which it can be valued in addition to a reasonable compensation for the great inconvenience and annoyance which I will be put to by losing a house which I had fitted according to my requirements, and which I had combined any comfort and convenience.

From Major J. F. STODDARD, Executive Engineer, Godavery District, to M. E. LEFAUCHEUR, Cocanada, dated Samulcottah, 18th March 1864, No. 195.

1. I have just received your letter of this date, in which you state that in the event of its being decided to carry out the proposed road, you are willing to dispose of your house and grounds for a fair remuneration, as you consider that the property will be depreciated in value by the raising of the road in front of it.

2. In reply I beg to inform you that it is not in my power to purchase your property, otherwise I would avail myself of your offer immediately, as until your house is removed, at any rate the front part of it, it will not be possible to carry out to the full extent, the proposed improvements of the river and Town of Cocanada. I believe this is a matter for the consideration of the Cocanada "Municipal Association" as it is of a purely *local* nature.

I must now inform you and those gentlemen who are so opposed to the raising of the road, *that to suit your united wishes, and only as a temporary arrangement*, the road will be made only (2) two feet higher than the stone revetment instead of (4) four feet as originally intended, commencing from the foot of the approaches to the new bridge up to the east end of your compound from which point up to beyond the Light House, where no private property interferes, it will be raised to the full height of four (4) feet. This height (4 feet) will also be given to the embankment on the south side of the river. The natural consequence of this inequality of height will be that, in the event of a very high tide, accompanied by a strong easterly wind; and a high fresh in the Zailaror (as occurred in 1838, and may again happen at any time) your house and Mr. Gandolphe's will suffer most, as the flood will be forced on the *lower* embankment in front of your houses by the higher embankments above and below them.

3. You and the other gentlemen who complain of the inconvenience of the road being raised four feet, do not seem to be aware that the first and chief reason for constructing such a high road is to protect the town, which is situated on so low a level from such disastrous floods as that of 1838, and it seems to me most unreasonable that the safety of the whole town should be sacrificed to the *present* interests of a few private individuals.

From T. A. N. CHASE, Esq., Acting Sub-Collector in charge of the Godavery District, to M. E. LEFAUCHEUR, dated Cocanada, 27th April 1864, No. 195.

In reply to your letter to Mr. Newill dated the 8th April, I have the honor to inform you that I have visited the road in front of your house in company with Colonel Chambers, and Major Stoddard, who informed me that immediately in front of your dwelling house no embankment or road will be raised.

From M. E. LEFAUCHEUR, to T. A. N. CHASE, Esq., Acting Sub-Collector and Magistrate of the Godavery District, dated Cocanada, 6th May 1864.

1. In acknowledging receipt of your letter of the 27th ultimo, I beg to apologize for again troubling you with complaints which I am unfortunately obliged to maintain, and to which I beg again to call your kind attention.

2. Indeed it seems to me that, leaving the road as it stands now directly in front of my dwelling house, and raising it on both sides, along my 200 yards compound and my newly built godowns, does not materially improve the state of things complained of. Better than me, arbitrators could report upon it with independence of private interests which would entitle their opinion to sure confidence.

3. It is certain moreover that the road cannot be left in the state it is going to be made actually: sooner or later, the hollow at the front of the house must be filled up, and even the first part of my verandah taken down. Since such it must be, I cannot, to speak all my mind, view the

actual concession, but as means for gaining time and perhaps too, for evading payment of compensation, by carrying by slow degrees what would too plainly appear most injurious if done at once. If I am mistaken in this appreciation I would most sincerely apologize for having expressed it.

4. The raising of the road has been carried so far now that I cannot entertain any further hope of saving my house; my only design consequently is to obtain due compensation for such a loss.

5. I beg therefore to submit that the road be carried according to the wishes of the Engineers after previous agreement for indemnity, or else, if the present plan is maintained, that arbitrators should decide the degree of nuisance my property would be put to by it.

4. I must again assure you, Sir, to answer a reproach from Major Stoddard, that I will always be found ready to contribute my share to whatever is done for public good; but in this instance, the sacrifices required from me, would be really too heavy, and even ruinous to me since I offer that my claim for compensation should be laid in the hands of independent arbitrators, it would be unjust that it should be imputed to be exaggerated.

(True Copies.)

(Signed) T. A. N. CHASE,
Acting Sub-Collector in charge.

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1. Mr. Chase will please to state by whose orders and from what funds the road in question is being constructed.

2. The Board have no recollection of any previous correspondence on the subject.

(True Copies and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To T. A. N. Chase, Esq., Acting Collector in charge of the Godavery District.

Exd. J. Wright.

Requesting to know by whose orders and from what funds the road in front of M. Le-Faucheur's house is being constructed.

Commr. thinks the Petitioner's objection to the Road ought to be considered.

1864. Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd May 1864.

No. 3,177.

Continued.

M. Le Faucheur

Pagoda

338 feet Road

224 feet

45

20

Petitioner

Plan.

No. 6,255.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd September 1864.

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1. I have the honor to acknowledge receipt of the Proceedings of Government, Revenue Department, of 9th August 1864, and the Order thereon, No. 1,434 of the same date.

2. I have ascertained that there is no resident of Cocanada or Jaggannaikpoor willing to contribute even a single pie towards the purchase of M. LeFaucheur's house.

Submitted for the information and orders of Government with reference to their Order quoted by the Collector.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.,
with two enclosures returned.

Copy to J. Fraser Esq., Officiating Collector of the Godavary District.

Exd. J. Wright.

Pro. 9th August 1864
No. 153-157

Rev: 1864. Department.
Pro: of Govt for Oct.

No. 2559.

PROCEEDINGS OF THE BOARD OF REVENUE,

Pro: Bd. of Rev. dated 9th Feby
1865 Col 399

Dated 22nd September 1864.

~~Dup 27~~
~~Rec 28~~

E-2
~~Finl~~ Cir 569/65
~~F~~ Cir 3338/64

No. 6,255.

Submitting for information and orders letter from the Officiating Collector of the Godavery district stating that there is no resident of Cocanada or Jaggannaikpoor willing to contribute anything towards the purchase of M. LeFaucheur's house.

No. 7041.

No. 1846 dy 8 October

Wm Edwards

14 Bds Board of Rev Govt to Coll
dt - do Govt

9th. 1864.

The Collr and Supt Govt are requested to suggest the most advisable means of disposing of this property (supposing it to be purchased by Govt) - its probable cost and the sum likely to be realised by resale. —

The Govt wish also to be furnished with a copy of the plan referred to in para 8 of the Honorable the President's Minute dated 15th October 1859. —

Front St. George
8th Oct. 1864.