[L. & M.
9,000-3-8-96.]

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 412M

DATED 12th March 1895

[Despatch Abstract.]

Hobart Park, Ootacamund.

Recording, with remark, letter from Mr. K. Deighton, Honorary Secretary, Ootacamund Gymkhana, appealing against the decision of the Ootacamund Municipal Council refusing to sanction the erection of a shed for players and on lookers at cricket and polo matches in the---and to supply the Park with water.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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[7] INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.
G.O., DATED 12-3-95
No. 412 M.

When given for copying.

[Despatch Abstract.]

Hobart Park, Ootacamu

Recording, with remark, letter Mr. H. Deighton, Honorary Secry. Ootacamund Gymkhana, appealin against the decision of the Ootacamund Muni. Council, refusing to sanction the erection of a shed for players & on-lookers at Cricket & polo matches in the —— & to supply the Park with water.

✓

Read again Order of Government, dated
189 , No. , Miscellaneous.

Back Paper, No. of 189 .

Further Paper, No. of 189 .

Enclosures.

Current No.

Statement with ditto.

Order of Government

Statement with ditto

Papers not filed up, being meant for despatch in original (not paged).

N.B.—
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Copied by

Examined by

Local and Municipal Department.

163 [illegible] 14-2-94
210 [illegible] 9-8-93
820 [illegible] 29-5-9x
594 [illegible] 21-9-91 r.e.

& Municipal Dept.
PR, CURRENT No. 3044 M

E

From

K. Deighton Esqr
Hony Secretary
Ooty Gymkhana

C.S. / misc.

Order 12-3-95 No. 412 [illegible]

Recorded as Government understands that other arrangements as to the cricket Pavilion have been or are likely to be made.

V.R. 9/3/95

11/3/95 (From orders)

No.

Dated 1st December 1894.

Received 4th Do.

Enclosures 3

SUBJECT.

Appealing to Govt. against the decision of the Ooty Muni. Council refusing to sanction the erection of a shed for players & onlookers at Cricket & polo matches in the Hobart Park & refusing to supply the park with water

with enc. [illegible] a9/3

READ AGAIN ORDER OF GOVERNMENT, DATED
189 , No. , MISCELLANEOUS.

BACK PAPER, No. of 189 .

FURTHER PAPER, No. of 189 .

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL (not paged).

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Examined by

L&M DEPARTMENT.

Current No. 3044-M.

From

Dated 189 .

I put these papers aside to await Mr Deighton's promised visit to Madras, which after all never came off; & so forgot them

20/2/95

FOR ORDERS.

Mr Deighton does not accurately describe the site on which he proposes to erect the shed, but apparently it is to be put alongside the tennis courts [*] east of the pavilion, in the place where the tents are usually put up for cricket-matches.

* It's more N.E.

In the absence of any plans it is not easy either to understand the [*] direction in which Mr Deighton proposes to take the pipe for the water for the cricket-pitch. The position of the peg referred to in para 2 of the Ooty Mun. Council's Chairman's Progs. No. 2919 / 13.11.94 is not known.

* It would come off at right angles to the bazaar road from the Hobart school.

Mr Deighton will no doubt explain these matters in the interview which he is to have with H.M.

The shed is to be erected by the Gymkhana Club & would presumably be open [*] only to members of the Club. The ground upon which it is to be built & a certain portion surrounding this would apparently have to be made over permanently to the Club.

* I read Mr Deighton to mean that it is to be used by any body whether a player or onlooker & whether the match is a gymkhana one or not. I have seen people of all sorts & conditions sitting in the tents put up by the Gymkhana Club for cricket matches.

In para 4 of G.O. No. 892-M / 7.9.87 the Govt. said that the Hobart Park and the waste land adjoining it was "the absolute property of Government" who have reserved to themselves the right of resuming it at anytime without compensation. The Municipality themselves are only tenants at will, & are responsible to Govt. for the use made

Chairman

[G/74.]

NOTE FOR THE CHIEF SECRETA

Please see draft order put up for approval - If Mr. Deighton had mentioned sooner that he did not want any action taken on his letter it wd. have saved a lot of trouble

7.3.95

Yes but Mr. D is a little eccentric

JM

[illegible]

Please copy & put up with a draft on [illegible]

9/3/95

SECRETARY
MAR. 1895
GOVERNMENT OF MADRAS

March 8 1895

My dear Price

Herewith Mr. Deighton's reply to my D.O. I suppose we can now say of his former letter "Recorded as Govt. understands that other arrangements as to the Cricket Pavilion have been or ~~are about~~ likely to be made" or something of that

Recd.
Ans
RB

Ootacamund: Tuesday.
March
~~February~~ 5th, 1895.

My dear Bliss, Many thanks for your two letters.

It will not, I think, be necessary to put the screw upon the M. Council. I have at last got water laid on; and in place of a new Pavilion we are thinking of putting upper storey to the old

. This would give a

capital view of the cricket

& polo, and at the same time

add to our accommodation.

If, however, our plans sh^d.

fall through, I will follow

your suggestions.

Believe me

yours sincerely

Creighton

of the land". This position was reaffirmed in G.O. No. 1411(a) M. dated 23rd September 1890, para. 3. But that G.O. went on to say, — in connection with the discussion then going on in connection with the proposal to oust the A.B.C. Club (now the Gymkhana Club) from the tennis courts in front of their pavilion, — that "it appears to His Excellency in Council that the Government are not justly or equitably entitled to give up a portion of a place like the Hobart Park to the exclusive possession of a body of persons who form a small fraction of the community" (para. 5.) and para. 6 decided that "the municipality should, in the public interests, be custodians of the Hobart Park, without any reservation whatever."

While therefore it appears legally possible for the Govt. to now upset the decisions of ~~the~~ its tenants-at-will the Municipal Councillors, upon Mr. Deighton's proposals, it seems that to permit the erection of the shed, and the to allow alienation to the Gymkhana Club of a portion of the Park is opposed to the policy which has been once declared.

W. 5.12.94

I do not at all read Mr. Deighton's proposal as one to alienate to the Club any portion of the Hobart Park. I understand the position to be that the Club asks in the interests of partakers in and spectators at the different sports that take place in the Park to put up a shed for the use of all comers. This will be meeting a very great need and there does not seem to be the slightest

Proposal of Hon. Sec. Ooty Gymkhana to erect a shed for cricket etc on the Hobart Park. Ooty.

H.M./

(for orders).

I don't in the least understand the action of the Mu. Cl., which appears to be simple "bumbledom" & obstruction. So far as I know, the Cl. doesn't spend an anna on the Hobart Park, all the improvements to which have been made ~~[illegible]~~ by the Gymkhana (or the Govt. filling up the upper Lake) — I can see no harm at all in the proposal to erect a small cricket pavilion, which would be in no one's way & would be far more convenient than the tents ~~[illegible]~~ hitherto used — I don't think the Gymkhana can be expected to give the whole populace the free use of the pavilion when Gymkhana matches are being played, though I have no doubt that, in the same way that outsiders have hitherto been allowed to use the tents, they will still be allowed reasonable access to the pavilion; nor do I think that exception can be taken to ~~the~~ the allowance to the Gymkhana of somewhat an exclusive use of the ground as is implied in the erection of the proposed pavilion, for it must be remembered that, though the Gymkhana has made the cricket ground it has

[G/25.]
500—26-·-94.

not attempted to reserve it for ~~its~~ the exclusive use of its members, but readily allows the use of it to other Clubs.

I don't quite see how we can interfere with the Mu. Cl., however. We have no power to order them to modify their Resolutions — I think the best thing to do will be to revoke the G.O. making the Mu. Cl. custodians of the Hobart Park & to hand it over, instead, to the Gymkhana, with the stipulations that ~~free~~ cricket practice be allowed free to everyone who ~~[illegible]~~ is provided with a proper net, on all parts of the ground except the pitch on every day on which matches are not going on or (say twice a week for 2 hours) when polo is being played; and that on all days (except when polo is being played), on which Gymkhana cricket matches are not in progress, the free use of the pitch be allowed to other cricket clubs — It seems to me that this would be quite the best way of providing for the recreation of visitors & residents —

20/2/95

FOR ORDERS.

H.E.

It appears to me that under all the circs. it would be better, if it can be avoided, not to take the extreme measure of revoking the G.O. and taking the Hobart Park away from the Municipality without at all events giving them an opportunity of reconsidering their decision. And it seems to me that ×

DEPARTMENT.

C. No.

× this would best be done, by the Hon. Mr. Bliss writing a D.O. to Mr. Deighton in answer to his letter, saying that he thinks that he (Mr. D) should write to the Chairman of the Municipality asking him to get the Municipality to reconsider their decision, and that if he (Mr. Hewett) or rather the Municipality refuses still to accede to his very reasonable requests, Govt. would most likely be inclined to alter the present arrangements. W 26 Feb

objection. The Council appears to have gone out of its way to be obstructive and to give as much trouble as it can. It is submitted that this should not be permitted. If the shed is ~~erected~~ allowed ~~up~~ it should be a condition that it is liable to be removed should Govt. ever consider it necessary and should the Club at any time attempt to reserve it to the exclusive use of members. As regards putting the pipe down for watering the cricket pitch it is difficult to see what valid excuse the Council have for refusing permission. The pipe cannot do the slightest harm and it will be of undoubted benefit to the cricket pitch that it should be watered during the dry weather or before a match is played. It is for the public benefit. I have frequently seen school boys and others playing cricket on the same ground as is used ~~for~~ matches and there has never been since I have known Ootacamund the slightest attempt on the part of the Gymkhana (or of the Blue Mountains C C) to monopolize the ground. In fact it has been kept in order at the expense of the club for the benefit of those not in any way connected with it as

well as of the members of the Club itself.
The Council say "Neither can any erection be permitted which impedes the free progress of any equestrian or pedestrian in any direction over any part of the ground" Why if these are the bona fide views of the Council has that body allowed a race course to be railed in in parts; why are barriers placed across the course to prevent equestrians using it at their pleasure, why is a man stationed in the park to prevent equestrians ~~using~~ riding across it; why is any charge made for riding round the track for a mornings canter & why were measures taken to prevent a short cut being made across it to the bazaar?
That not the slightest harm is caused by laying down ~~[illegible]~~ pipes for water for the purpose of keeping polo cricket ground in order is illustrated by the pipes laid down on the Island here to water the polo ground and that on the ground of the Madras Cricket Club at Chepauk.
The Ootacamund Council has I venture to think shown in this matter itself to be full to the brim of "bumbledom" and to have exercised the temporary authority given to city Corp. in the most illiberal and obstructive spirit

5/12/94

I make out that H.E.'s note of 26/2/95 was written after the receipt of the Hon. Mr. Gross' demi official of the same date. I accept H.E.'s suggestion that ~~He~~ I should write to Mr. Leighton a letter which he can show Mr. Hammett & :X:

Proposal of Hon. Sec.

Ooty Gymkhana to erect a shed for cricket. etc. in the Hobart Park. Ooty.

H.M.

H.E. the Governor

(for orders.)

Resubmitted to H.M. with refce. to H.E. the Govr's note, & Hon. Mr. Gross's D.O. within.

28.2.95

They don't seem to see that they exist only to render Ooty a pleasant health resort

-:X: have written accordingly — I enclose my letter, so that a copy thereof may be taken for the file before despatch

1/3/95

Extract from Proceedings of a meeting of

P.S. [illegible]

5/12/94

Submitted as directed in a separate cover.
W 5.12.94

Ootacamund: Saturday.
December 1st, 1894.

My dear Mr. Bliss, With this I send to the Chief Secy., Local & Municipal Dept., a letter such as you suggested to General Dillard should be written regarding the shed, &c., which I wish to put up on the cricket ground. I shall be in

well as of the members of the Club itself.

(Copy)

Chief Secretary's Office,
1st March 1895.

GOVERNMENT OF MADRAS

My dear Deighton,

There has been some delay, which I regret, about the question of the erection of a cricket pavilion by the gymkhana in the Hobart Park.

I assume, of course, that if a pavilion is erected the gymkhana will not desire to have the exclusive use of it, but when they allow other clubs the use of the pitch, as the

present arrangements for the charge of the Hobart Park, which has been confided by Govt. to the Munl. council.

Believe me
Yours sincerely
(Signed) H. W. Bliss.

(True copy)
W 4.3.95

Despd. 4/3/95

well as of the members of the Club itself.

they will no doubt continue to do, will allow them the use of the pavilion at the same time. If so, the erection of the pavilion will clearly be for the benefit of the public in general, & I cannot understand why the Munl. Council should object to it. I should say they were probably under some misconception as to what was intended. My advice therefore would be
that

You should write to the Chairman of the Municipal Council & ask him to get the Council to reconsider its decision. If the Council agrees, perhaps you will kindly write in again officially & withdraw your former official letter. But if the Council adheres to its decision, please let me know & the matter will be reconsidered. It may be that it will be necessary to make some alteration in the
present

GOVERNMENT HOUSE,
MADRAS.

26. Feb. 95

My dear Mr. Price

Under instructions from His Excellency I sent the file about the cricket pavilion in the Hobart Park – Coty. to the Hon. W. Grose for his opinion – I now return the papers with a do. from the H.M. and with H.E.'s note thereon.

Yours sincerely
R. C. C.

---

which we can [illegible]

well as of the members of the Club itself.

which we can not

GOVERNMENT OF MADRAS

CAR
22 FEB 95

My dear Carr,

In re about Deighton's proposals to erect a Cricket shed in the Hobart Park &c —

I return the File.

The order of 1890 was intended to secure to the Public the use of the Hobart Park.

I see nothing inconsistent with this in the proposals of Mr. Deighton. On the contrary they wd make the Park more advantageous to the Public

well as of the members of the Club itself.

It should however be intimated that the erection of the shed &c will not alienate any portion of the Park to the Gymkhana Club. It would probably be best for them to give the shed as a present to the Municipality.

It would be contrary to the intention of previous Governments to hand over the Park to the Gymkhana Club, as this suggests, & I would only do this in the last resort. I think it will be sufficient to tell the Commissioners that the G. C. consider they must accept Mr. Deighton's proposals. If they refuse the Hobart Park may be resumed.

Yours sincerely
J Grose

Nungumbaukum
26.2.95

---

which we can not [illegible]

Extract from Proceedings of a meeting of the Ootacamund Municipal Council held on Thursday the 8th November 1894.

XXVII Read letter from H. Deighton Esqre dated 5th November 1894, requesting permission for erecting a wooden shed in front of the Cricket ground.

"The Hobart Park is a piece of
" common ground made over to the Municipality
" by Government for the use of the public.
" No action can be taken which tends
" in the slightest degree to reserve any
" portion, however small, to the exclusive
" use of any class or section of the public,
" or to the players of any one of the different
" games such as Cricket, Golf, polo and football
" which are played on the Park. Neither
" can any erection be permitted which
" impedes the free progress of any equestrian
" or pedestrian in any direction over any
" part of the ground. The operations at
" present in progress may be continued,
" but when the cricket pitch has been
" regrassed, no railing or posts can be put
" up, as their existence would constitute
" an inconvenient precedent, and would
" be opposed to the spirit of communal
" use, to which the ground is devoted."

Carried unanimously"

(True Extract)

Chairman

No. ______

Ootacamund Municipal Office,
10th November 1894.

FROM
THE CHAIRMAN,
MUNICIPAL COUNCIL,
OOTACAMUND.

To
K. Deighton Esqre.,
Hon: Secretary,
Gymkhana Committee.

Enclosures ______

Sir,

With reference to your letter dated the 5th November 1894, I have the honor to inform you that the Municipal Engineer reports that you

"want pipe laid from Hobart girls school right across the polo and Cricket ground to a point adjoining the new Cricket pitch now being formed."

2. You did not mention this in your letter, and for the reasons stated in the Municipal Council's Resolution communicated to you with my letter no. 2871, dated 9th November 1894 your request cannot be complied with.

The fee (Rs 3.) tendered for an estimate is returned.

I have the honor to be,
Sir,
Your most obedt. St.,
G. Hamnett

I did not ask that the pipe" sh'd be laid" "right across the polo & cricket ground"; but just within the boundary of the Park, and the suggestion as to point at which the pipe should be joined to the main was made by the man sent by Mr Hamnett.

OOTACAMUND MUNICIPAL COUNCIL.

PROCEEDINGS OF THE CHAIRMAN.

There is nothing in the Resolution of the 8th about water not being carried into the Hobart Park.

Read .... from .... , dated .... 1894.

Mem: to the Eng.

No. 2919
13. 11. 94.

Ootacamund, 12th November 1894.

Mr Deighton the Honorary Secretary of the Gymkhana Committee to whom para 2 of the Municipal Engineer's report No. 179 dated the 8th November was communicated has called on the Chairman and has asserted that the statement contained in the para[x] is not true. That the Water Course Inspector who called on him suggested that the water pipe should be laid from the Hobart Girl's School as the expence of doing so from any other point would be very great, and that he, Mr Deighton agreed to the suggestion.

2. Mr Deighton further stated that if the water is to be taken from the School he would have the pipes laid only across the

siding

[x] "He wants pipe laid "from Hobart Girls school "right across the polo + "cricket ground to a "point adjoining the "new cricket pitch now "being formed."

riding track, and stopped, at a point where a peg has been put down.

3. Under the Resolution passed by the Municipal Council on the 8th instant no water supply can be carried into or across the Hobart Park.

Sd/ Geo: Hammett.

Chairman

There is nothing in the Resolution of the 8th about water not being carried into the Hobart Park.

K.D.

Nov. 16th, 1894.

To

The Municipal Engineer

—

Ootacamund

No. 12955.

15 November/94

Copy to K. Deighton Esqre

for information.

G. Hammett

Chairman.

To

K. Deighton Esqr.

A.H.

3/

3044 M of 94

From, K. Deighton

Hony. Secr. Ootacamund Gymkhana

To, The Chief Secretary of

The Government of Madras

Local & Municipal Department

Local & Municipal Dept.
CURRENT No. 3044/M

Ootacamund, Saturday,

December 1st, 1894.

Sir, The late Honorary Secretary of the Ootacamund Gymkhana, when making over charge of his duties to myself, suggested that I should build upon the south-eastern side of the Hobart Park, facing the cricket ground, a shed to be used by players and onlookers at cricket and polo matches.

2. Accordingly I submitted to the Municipal Council a sketch of the building I proposed to put up; but my request for their sanction was met by a direct refusal in their Resolution No. xxvii., dated November 8th, 1894, which I have the honour to forward for your perusal.

3. I further asked permission to lay on water to enable me to keep the cricket

ground in good order; and here again my request was answered in the negative by their letter of November 10th, 1894, also forwarded herewith.

4. I have therefore the honour now to appeal to the Government of Madras against these decisions. The shed which I wish to erect, and of which I enclose a sketch, would be an open building that could be used at all matches whether played by members of the Gymkhana or by others. It would be situated almost immediately within the boundary fence and outside the race course; it would in no way reserve any portion of the Hobart Park "to the exclusive "use of any class or section of the public," "or to the players of any one of the different" "games, such as cricket, polo, golf, and foot-"ball, &c., which are played in the Park"; nor would it in the least "impede the free pro-"gress of any equestrian or pedestrian in any" "direction over any part of the ground".

not received

5. Some building of the kind has become a necessity because the Gymkhana can no longer have the use of the tents hitherto lent for cricket and polo matches; while the water to be laid on is almost equally a necessity if the cricket ground is to be what cricketers must wish it to be. Care would be taken that the building should not be an unsightly one, for creeping plants and others would be planted about it; and it may, I think, be reasonably argued that in trying to make the Station more attractive alike to residents and visitors, and in adding facilities to the enjoyment of games like cricket and polo, the Gymkhana would be furthering some of those objects which a Municipality is supposed to have at heart.

6. In regard to the railing-in of the cricket pitch, referred to in the last sentence of the Council's Resolution, it may be as well for me to add that nothing of the kind was suggested, or even contemplated except for the few weeks during which it will be necessary to protect the newly planted grass.

I have the honour to be,
Sir,
Your obedient Servant,
K. Deighton
Hony. Secy. O. Gymkhana

[9] **LOCAL AND MUNICIPAL DEPARTMENT.**

163 L.M. 14-2-94
1210 L.M. 9-9-93
820 L.M. 29-5-91
594 L.M. 21-9-91 r.e.

[illegible] & Municipal Dept.
PR, [illegible] No. 3044 M

E

From

L. Deighton Esqr
Hony Secretary
Ooty Gymkhana

No.

Dated 1st December 1894.
Received 4th Do.
Enclosures 3

SUBJECT.

appealing to Govt. against the decision of the Ooty Munl. Council refusing to sanction the erection of a shed for players & onlookers at Cricket & polo matches in the Hobart Park & refusing to supply the park with water

C.A. / misc.

Order 12-3-95 No. 412 Muni.

Recorded as Government understands that other arrangements as to the Cricket Pavilion have been or are likely to be made.

V.R.
9/3/95

11/3/95

(From orders)
11/3/95

When given for copying
When copied
When examined
When signed
189 .

READ AGAIN G.O., No. DATED 189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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