24-10-04
6-11-06
6-9-08
12-4-07
23-3-09
11-1-24 B III

ocal & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1001 M

DATED 15th June 1896

[Despatch Abstract.]

Land.

Stating, with remarks, that the application of the Ootacamund Gymkhana Club for a piece of ground to erect a building will be considered in the Revenue Department.

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]

E INDEXED.

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 15-6-96.
No. 1001 M

When given for copying.

[Despatch Abstract.]

Land.

Stating, with remarks, that the application of the Ootacamund Gymkhana Club for a piece of ground to erect a building, will be considered in the Revenue Department

N.H.S.

Fair copied 17/6

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

BACK PAPER, No. of 189 .

FURTHER PAPER, No. G.O. $\frac{319 \text{ Revenue}}{8-7-96}$ of 189

G.O. $\frac{3248 \text{ Revenue}}{26-8-96}$

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.—
A = Copy in full
B = Not to be copied
P = Copy abstract only.
Q = Copy heading only.

Copied by

Examined by

$\frac{\text{No. } 550}{12 \cdot 5 \cdot 96}$

The boundaries as recognized are marked
in blue+ pencil+ on the plan herewith returned. Thus + +
As far as the Chairman has
been able to trace from the records in the Municipal
office the boundaries of the "Hobart Park" on the
South and North, were, after the completion of the
race course+ in the year 1887, extended to the stone- + vide G. O dated 7th Sept 1887 no 892 M. L. + M.
drain, shown in blue on plan, built along the
race-course road on the south, and to the main
stream and lower bazaar road on the north.

2. The land applied for by the
Gymkhana club is part of the waste land in
the "immediate vicinity" of the race course
road, and shown in the Survey and settle-
ment Register of 1884 as $\frac{8}{425}$, and $\frac{8}{426}$ as
"Government Waste" etc. These are clearly two
of the "waste plots" placed in "Municipal cus-
tody for conservancy purposes only" as per G. O
dated the 9th January 1882. No 44. This order, the
Chairman has only seen this day for the first
time.

3. The race-course, and road (formed
in the year 1887) were carried over portions of
$\frac{8}{425}$ and $\frac{8}{426}$ which then extended to the margin
of the lake, but since separated by the course
and the road.

4. In 1884 the then Chairman wrote+ to the chief Secretary that :-

+ letter no 480 of 17 Decr 1884 paras 2 & 3

2. " The Commissioners have prepared
" a plan+ which I now beg to submit, for the
" improvement of the Hobart Park (1) by adding
" the ground recovered from Toppa Mudalyar's
" lines, and for this purpose lowering the level of the
" cross road, and the bridge. (2) by taking in a
" Considerable strip of ground along the south-
" side of the Park by diverting the road to the limit of+
" the Bombay House property + + +
" (3) by taking in a portion of the land now
" occupied by the ABC club, and (4) by diverting
" the water course which crosses the park near
" the ABC ground."

+ ~~letter no 480 of 17 Decr 1884 paras 2 & 3~~ not forthcoming

+ note. This also was not done. See Chairman's letter recorded in Pros. of the Govt no 892 dated 7 Sepr 1887

3 " The effect of these works is shown,
" on the plans. The park will be much enlarged,
" and will admit of Polo, Cricket and Gymkhana
" meetings being held upon it. Considerably add-
" ing to the attraction of the station, as a sani-
" tarium. The present area of the park is 7 1/4
" acres, enlarged as proposed by the Commission-
" ers, it will be 16 3/4 acres. Full particulars,
" are given in the Municipal Engineer's report+
" attached to the plans."

+ note. Not forthcoming

5. The right to let any portions of the park, (in the absence of instructions to the Contrary) is based on the order of the Government dated 15th August 1892 ✓ Mis viz.

" The Municipal Council is itself
" Competent to levy rents for the occupation or
" or use of Municipal Lands without reference
" to Government."

6. The Hobart Park and the Waste lands adjoining it having been placed under the Municipality for purposes of recreation and conservancy the Municipal Council saw no objection to the leasing of some portions of the park and waste lands to the Gymkhana Club (which kept up the park at its own expense) to enable it to levy small fees from those who used the race-course and galloping track for training horses, and from those who entered the enclosed stand on the waste plots of land on the occasion of Gymkhanas, and races.

(Sd) Geo. Hammett
Chairman

Ootacamund
11th May 1896

To
The Collector of Nilgiris with plan.

(True copy)

JSRees
Collector.

[illegible]

Municipal office
22d May 1896.

My dear Mr Rees.

Having perused the draft of your reply to Government regarding the Hobart Park and waste lands adjoining it, I may mention that I agree generally in the conclusions at which you have arrived.

Yours sincerely
(Sd) Geo. Hummett

(True copy)

J. D. Rees
Collector.

Cpd by [illegible]
Compd by [illegible]

Nilgiri Collector's Office
Ootacamund 21st May 1896.

From

The Honorable J. D. Rees. C.I.E.
Collector of Nilgiris

To

The Chief Secretary to Government
Local and Municipal Depart.

Sir,

I have the honor to reply to Official memorandum without number dated 5th May 1896 regarding the Hobart Park.

2. In 1874 the Government Waste Land lying around the Upper Lake between the Lower Bazaar Road and the Lake Road was entrusted by Government Order 1st September Financial Department no 1458 to the Municipality to enable it to plant, to improve, and enclose, the Government reserving to itself the right to resume possession at any time free of any claim for compensation. This area included the tennis courts, and the Archery grounds, of the A.B.C Club, which was

in existence before the issue of the order of 1874.

3. In 1882 by Government Order dated 23rd December No 2023 the Government declared that it never intended that the Municipality should oust or control the A B C club, the members of which were tenants-at-will under the Government. It was subsequently found, however, upon the opinion of the Advocate-General that the A B C club were holders of an irrevocable license, but prior to this finding, the A B C club had voluntarily and by arrangement with the Polo and Gymkhana clubs relinquished a portion of the lands within its enclosure, subsequently to which relinquishment, matters have remained, as regards the A B C enclosure and Hobart Park, upon the previously existing footing.

4. By the order of 7th of September 1887 No 892 M., the Government laid it down, as regards Hobart Park, that the Municipality were only tenants-at-will, and responsible to the Government for the use made of the land.

5. By the order of 23rd September 1890 the Government expressed the opinion that the Municipality should, in the public interests, be custodians of the Hobart Park and that they should raise funds from the various bodies which use it viz the Cricket, Gymkhana and Polo clubs etc.

6. Subsequently to this, the cricket, Gymkhana, Race, and Polo clubs have been formed into one club and it is presumed that this club is the inheritor of the rights of the Amalgamated A B C club in the A B C enclosure, and that the Municipality is the custodian of the Hobart Park.

7. But this helps but little to settle the question "what are the precise boundaries of Hobart Park?", and so far as can be discovered from the files there is no proof what these boundaries are. The expression "Hobart Park" to my knowledge only came into general use about the year 1887; and it was then used, and has since been used, to describe all the waste land at the upper or Bazaar end of the lake, exclusive of such portion as was in the occupation of the A B C club.

8. But in 1890 the question assumed a somewhat new phase, and it was then proposed to remove the barriers of the A B C enclosure, and to throw the whole ground open to the public. Subsequently this proposal fell through, because as noted above it was found that the A B C club

had an irrevocable license, and then an endeavour was made by amalgamation to give to every club a common interest, and the position now is, that this amalgamated club desires to acquire portions of Settlement Nos. E.425 and E.426 which are registered as "Government waste", for the erection of a clubhouse, which will be for the joint benefit of the clubs which have been using Hobart Park as Recreation ground, and for the clubs which use ABC Enclosure as a recreation ground, such clubs being now amalgamated.

9. The question, therefore, is what rights has Municipality over Settlement Nos. E 425 and E426? and it appears from the records, that these are waste spots which were placed in Municipal custody "for Conservancy purposes only", by Government Order no 44 Financial Department dated 9-1-82 of 1882. That order merely sets out, that certain waste lands in the immediate vicinity of main roads of Ootacamund are entrusted to the Municipal custody for conservancy purposes only.

10. It seems quite clear that these two plots, the interest of the Municipality in which dates from 1882 are on quite a different footing to the Hobart Park, the connection of the Municipality with which dates from 1874, that the position in respect of the Park and the waste is quite different is clearly shown from the action which has been taken in regard to Hobart Park. All orders in respect of the latter have been passed in communication with the Municipality and no direct action, I think, has been taken by Government. But in regard to the plots E425 and E426, the lower road alongside the race course and the margin of the lake was formed by Government right through them and made over to the Municipality for upkeep. No records can be traced in this office in regard to the making of this road. I speak from memory here but records exist in the Government office, and I have myself as Assistant and Under Secretary and as Private Secretary to H.E. the Governor had an acquaintance extending over many years with this subject. It is also observed in support of this view that in 1884 the Chairman wrote making certain proposals for extending Hobart Park, which were not accepted (see Government Order 7 September 1887 no 892), and the Government observed that 1,000 Rs allotted

for the improvement of Hobart Park had been diverted for a race course project, which should never have been put in hand without the sanction of Government. This seems to prove that the race course, i.e that portion of the waste land in this locality which extends beyond the ABC Pavilion on the south and the bridge across the drain on the north side i.e the horse shoe prolongation running up to the Willow Bund, was not a portion of the Hobart Park Proper. In paragraph 4 of the order, the Government also said "that the Hobart Park and the waste land adjoining, is the absolute property of Government who reserve the right of resuming it without compensation, and that the Municipality themselves are only tenants-at-will and are responsible to Government for the use made of the lands. It will be observed that here also the Hobart Park is distinguished from the waste land adjoining it.

11 I, therefore, do not think that there is any proof that the boundaries of the Park are, as marked by the Chairman in the plan received by Government and now returned; and it seems to me that as the land which the club requires for the clubhouse has been made over for purposes of conservancy only, it is not competent to the Municipal Council to raise any objection to the use to which it is proposed to put it. It would only appear that under the Government order of 9th January 1882, the council is responsible for the conservancy of the land, whether it be waste or road as now, or whether it be occupied by a clubhouse or any other building whatsoever.

12 If this land is not a portion of Hobart Park, as I contend, probably the other question asked by Government whether the council has any right to rent the Park or any portion thereof, need not be answered; but the Chairman bases his right to let portions of Hobart Park on Government Order dated 15th August 1892, 1335 Mis, which states that the council is competent to levy rents for the occupation or use of Municipal lands without reference to Government. It will also be observed, as regards the Park, that by the order of 3rd September 1898 No. 1411 para 6, the council was authorized to raise

funds for its maintenance from the various bodies using it, the cricket club, the Polo club, the Gymkhana Committee, the Race Committee, the Foot Ball club and other bodies. Again in the latter part of Paragraph 8 of the same Government Order, it is ordered that it will be for the Municipality to arrange with the members of clubs using the Park and other bodies and associations for the provision of funds for the Construction of the new tennis Courts, and for the raising of funds for satisfactorily carrying out the purposes for which the park is entrusted to them. It is doubtful however if these provisions [Contained in paras 6 and 8 which unlike the earlier part of para 8 have not been cancelled by ~~Standing~~ Government Order 19th December 1890 1976 M. Mis] apply to settlement numbers 2425 and 2426, which perhaps may be held not to be municipal lands having been merely made over for purposes of Conservancy only, and which have never been used by the public or by any of the clubs enumerated, for the purposes of recreation and sport or indeed by the public for any purpose whatsoever, until, subsequently to the issue of the order by which the Municipality has acquired an interest in Hobart Park, and in the said Settlement numbers, ~~the~~ The race and Gymkhana clubs have been in the habit of putting up tents there, and using them for a grand stand. The chairman says in paragraph 6 of his memorandum that the Hobart Park and the Waste land adjoining it have been placed under the Municipality for purposes of recreation and Conservancy. But I do not find any authority for the statement that the two settlement nos. in question have been made over to the Municipality for purposes of recreation. The legality of enclosing or enforcing any exclusive right to any portion of these two settlement nos. seems to me open to question, but that is not now the matter at issue.

13 The chairman of the Municipality who has seen this letter agrees generally in the conclusions it embodies, as will be seen from his letter of the 22nd May, copy of which is appended hereto.

hereto.

I have the honor to be,

Sir,

your most obedient servant

J S Ross

Collector.

cpd by cwp
compd by to

DEPARTMENT.

FROM

THE COLLECTOR OF

NILGIRIS.

TO

THE Chief Secretary
to Government Local
and Municipal
Department

Dated 2/15
Despatched 3 } June 1896.
Received

Ref: on C.B No. 284/1896

ENCLOSURES. 3

SUBJECT.

Reporting on the boundaries of Hobart Park.

C. S.

The original has been received & is put up (linked file) with a note for orders.

[illegible]
4. 6. 96

Lodged.

[illegible]
8. 6. 96

[illegible]

C Nos 646, 1020 & 1529 Mis/96

order No 1001 Mmis dy 15. 6. 96.

The reference which was made made to the Municipal Council with regard to the piece of ground applied for by the Ootacamund Gymkhana Club arose from a regrettable misapprehension of the real state of the case.

2. From the enquiries now made it appears that this land at no time formed a portion of the Hobart Park but that it was a part of certain plots of land which were some years ago handed over to the ~~charge~~ care of the Council for conservancy purposes only.

3. Govt. therefore in dealing with it in such manner as it may deem fit, will be merely exercising the powers which belong to it and will not in the slightest degree be trenching upon the authority which has been assigned to the Council as regards the Hobart Park, or be in any way wanting in consideration for or courtesy towards that body.

4. The application of the Ootacamund

Gymkhana Club will be considered in the Revenue Dept.

11/6/96

To Rev. Dept. (with papers in original) P.t.O.
" Chairman, M.C., Ootacamund P.t.O.
" Hon Sec. Ooty Gymkhana Club. P.t.O.

Desp'd 18/6/96

Nilgiri Collector's Office,
Ootacamund, 3. VI. 1896.

CHIEF SECRETARY
3-JUN. 1896
GOVERNMENT OF MADRAS

My dear Pr[illegible],

I ~~wrote~~ signed my ~~letter~~ on the Gymkhana question & sent it with my office marked urgent on 28th May. Only last night I find it was addressed to Com at Madras, according to an order of Govt. my office says. To this I will see, but send you at once a copy. The plan of course is with the original letter, which apparently is being detained by your Madras office, which will no doubt post today if telegraphed to.

Even on your reminder I was not informed that the letter had perversely been sent to Madras, but probably the fact was known in your office. If, as mine says, to address you there, when you are here, is the invariab official routine.

There need only have been a delay of 2 days if ~~they~~ Madras office had been told to send it on.

Of course my clerks were stupid, not to

i a question, but if these are
ced by mamool of a G.O.
s not know that I can blame
u. I don't do the despatching
self. We don't get the
ne class of subordinates
ee as on the plains for
he Secretariat. Even the fair copied
afts have all to be read through
Re efore signing, if they are not to be
of unadulterated nonsense on arrival at
destination. Yours sincerely

The original
[illegible]
[illegible]
the [illegible]
Office [illegible]
to say that [illegible]
that the [illegible]
may be taken [illegible]
these [illegible]
[illegible]

When this has been done the papers may be sent to the P.G. as H.E. the Gov— wishes to ~~[illegible]~~ have them

12/6

…mation. Yours sincer…

5

Dft. Order submitted

Read in Council and passed.

approved

12/6/96.

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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