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MADRAS RECORD OFFICE.

Government of Madras.

Public work DEPARTMENT.

G.O. No. 1046	Press
37-38	Mis.
Dated 5-4-1866	

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Works Department,
5th April 1866.*

No. 37. Read the following Proceedings of the Madras Government in the
Revenue Department:—

Passing orders on Proceedings of the Board of
Revenue, recommending that the Collector of
Coimbatore be instructed to make over to
the Reverend J. Griffith's a small plot of
land, and also the land known as "Garrard's
land" at Ootacamund, in the Coimbatore
District, as compensation for loss sustained
by him. (Here enter 26th March 1866, No. 745.)

No. 38. ORDER THEREON, 5th April 1866, No. 1046.

ESTABLISHMENT, No. 4.

Communicated to the Superin-
tending Engineer of the 7th Division,
whose attention will be requested to
the orders in paragraph 19.

(True Extract.)

(Signed) CHARLES A. ORR, Colonel, R. E.,
Secretary to Government.

To the Superintending Engineer, 7th Division!

Exd. S. T. Augustin.

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*Proceedings of the Madras Government, Revenue Department,
26th March 1866.*

No. 445. Read the following Proceedings of the Board of Revenue:—

Recommending that the Collector of Coimbatore
be instructed to make over to the Reverend
Mr. Griffiths a small plot of land, and also the
land known as "Garrard's land" as compensation for loss sustained by him } (Here enter 10th January 1866, No 166.)

No. 446. ORDER THEREON, 26th March 1866, No. 745.

Land Revenue.

1. The Governor in Council proceeds to pass orders on the three requests preferred by the Reverend J. Griffiths in his Memorial, dated 13th November last. These requests are—

I. That a piece of land at Ootacamund, some ten cawnies in extent, called "Garrard's land," should be granted to him.

II. That certain water rights in respect to a property of his called "Rielly's Cottage," and a channel from Snowden, should be restored to him.

III. That he should be authorized to carry out his schemes for supplying the station of Ootacamund with water, his remuneration being dependent on his success.

2. The circumstances as regards the first claim are briefly as follow:—

3. In 1845 Mr. Griffiths applied to the then Collector, Mr. Wroughton, for "Garrard's land." Mr. Wroughton replied *officially by letter* that the subject "had better lie over until the completion of the survey of the Neilgherries."

4. This much is on record, and admitted by Mr. Griffiths himself.

5. Mr. Griffiths, however, asserts that, notwithstanding this official and, under the circumstances, proper enough reply, Mr. Wroughton permitted him to occupy the land, and that he accordingly entered upon it, on Mr. Wroughton's "verbal but official promise to have it *put up for sale*" for him.

From Mr. Griffiths to the Board of Revenue,
10th March 1859.

6. This rests on Mr. Griffiths' statement, there being no evidence, oral or written, of any such promise.

7. It would appear, however, from Mr. Griffiths' account, that he did enter upon the land, but he could not have expended much money upon it. He states that he "cut paths in the property, planted a few trees, cleared out the foundation of a building, and ran a water-course through it." But whatever Mr. Griffiths may have done towards the improvement of the property, under the alleged permission of Mr. Wroughton, he clearly did at his own risk, on the chance of his getting the land when sold by auction. He has never paid any assessment on the land.

8. In 1849 on the survey of the Neilgherries being completed, rules were sanctioned by Government defining the mode in which applications for land should be dealt with. Under these rules, if the Revenue Board approved of their sale,

Rules VI and XV.

they were to be put up to public auction at an upset price, the woods and streams being specially reserved to Government.

9. Mr. Griffiths states that on the survey of the hills being finished, he made an application for "Garrard's land." There is nothing on record to prove this,

*Proceedings of the Madras Government, Revenue Department,
26th March 1866.*

nor does it appear why, when his application was not complied with, he did not promptly appeal to the Board of Revenue or Government. His first complaint to the Board of Revenue seems to have been preferred in March 1859—more than nine years after the Neilgherry Rules were sanctioned by Government, and fourteen years after his first application to Mr. Wroughton. The Board rejected his application, and now, after a further interval of six years, or twenty years after his first application, he appeals to Government.]

10. Admitting, however, that Mr. Griffiths did make application after the survey of the Neilgherries was completed, it is clear that if it had been complied with, the land, with the reservation of the wood and swamp in it, would have been put up to public competition, and Mr. Griffiths would have had to take his chance of becoming its purchaser. This indeed is all that (as he himself declares) Mr. Wroughton promised him, "to have it put up to sale" for him.

11. All, therefore, that Mr. Griffiths can in strictness claim now, is what might have been done for him in 1850, viz., that the land be sold, with reservation to Government of the wood and swamp, and that he may have the opportunity of buying it, if he should be the highest bidder.

12. Both the Collector and the Board urge, that in the event of "Garrard's land" being made over to Mr. Griffiths, "the entire right and sole control over the water which flows from the swamp situated in it" should be reserved to Government. The Collector writes, "the water which flows from the swamp is one of the main existing sources of supply to the channel now running past the church, and which it is eventually hoped will convey water to the European and Native jails, and the bazaar below them."

13. The object of the Collector and the Board can be effectually secured only by the whole swamp, and the wood that protects part of it, being absolutely excepted from any grant that may be made of the land, clearly demarcated and with a sufficient margin and means of access reserved to Government, the holder of the land being debarred from in any way meddling with it.

14. If Mr. Griffiths' desires that the land thus curtailed should be put up to sale, the Collector will adopt the necessary measures in accordance with the present rules.

15. Under any circumstances, the Collector will carefully protect the swamp and the stream issuing from it, and report what he has done.

16. As regards the streams led from Snowdon by Mr. Griffiths, it is clear that with the consent, as he alleges, of the Engineer Officers, (who had no power to give such consent,) or at least with the acquiescence or non-interference of the local authorities, Mr. Griffiths has been suffered to cut and lead water-courses through Government land in a most unauthorized and irregular manner, and to assert private rights in them quite at variance with the views and orders of Government on the subject.

17. The Government cannot at all agree with the Board that Mr. Griffiths has a vested right in the channel which he calls "Rielly's." All that he bought when he bought the cottage was the right to so much water supply as the previous

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26th March 1866.*

owner had permissively enjoyed. His purchase of the cottage ground conferred on him no title to lead the water out of that ground, and then deal with it as he pleased. The reservation on the back of General Kennett's Title Deed is only binding on the parties to it, and not on the Government.

18. Similarly the "Snowdon" supply clearly belongs to the Government, and not to any individual who sees fit to cut a channel from it.

19. But while thus declining in any way to admit Mr. Griffiths' asserted rights, the Government concur with the Board of Revenue that a fair distribution of water should be made among the properties having reasonable claims on it. The Collector and Engineer will, therefore, in concert, arrange for such a distribution, and either from Rielly's or the Snowdon channels or both, give as much water to Mr. Griffiths' properties as can equitably be given to them, consistently with the fair supply of others and the public requirements for the jails, &c. This being done, the Collector will take care that such distribution is not again interfered with.

20. As regards Mr. Griffiths' third request, the Government do not require his services, and desire that he will abstain from encroaching on the province of officers in the Revenue and Public Works Departments.

21. The Government consent to the transfer to Mr. Griffiths of the small piece of land referred to by the Collector and Board of Revenue, on his executing a written agreement throwing open the private road to which allusion is made, and engaging to abstain from doing any thing which will interfere with its ordinary use by the public, or its repair by the Officers of Government at their discretion.

(True Extract.)

J. D. Lewis
Secretary to Government.

To the Board of Revenue.
.. the Collector of Coimbatore.
.. the Public Works Department.
.. the Reverend J. Griffiths.

Exd. S. T. Augustin.

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27 1866 Sept
Pro. of Govt for April
No 17/15

Pro. of the Madras Govt
in the Revenue Dept.

3rd March 1866
Dec 2nd April

A: 745

No. 1046-54, April 1866

Paying orders on
Proceedings of the
Board of Revenue
recommending that
the title of Sainabath
be entrusted to make
over to the Revd J. Griffiths,
a small plot of land,
and also the land
known as "Garrard's land"
at Dotacumund
in the Town of Sainabath
as compensation for loss sustained
by him.

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