M R O 1—77,066—8-6-37.

(1) Number of pages 42

(2) Date of repair 11.4.44

(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 205–207 Ju 69	Press / Mis.
Dated 10–15–	1870.

Not to be folded or roughly handled

M. #..)

Read the following letters :—

No. 205. From the Commissioner of the Neilgherries, to the Chief Secretary to Government, Ootacamund, dated Ootacamund, 23rd July 1870, No. 31.

I HAVE the honour to enclose copy of my letter and Statements A , B , C., to the Engineer, giving (according to my estimate) the probable cost to Government of compensation for lands taken for the Swamp Reclamation and Water-supply Channels

2 The total *estimated* cost stands as follows :—

	Paid			To be paid		
	RS	A	P.	RS	A	P
Swamp Reclamation 17,699 (2,618-13-3 recovery)	15,080	2	9	200	0	0
North Water Supply Channel	2,301	0	0	8,209	0	0
South Water Supply do	..			1,620	0	0
	17,381	2	9	10,029	0	0

17,381-2-9 + 10,029 = 27,410-2-9, total estimated cost.

3. The Government will observe by Statement A , that Rupees 17,699 have been paid out of the 20,000 Rupees sanctioned in Government Order, Public Works Department, 19th January 1870, No. 210, in compensation for houses and lands taken on account of the Swamp Reclamation, and that the sum of 200 Rupees has still to be paid for a roadway through Captain Mitchell's land on the margin of the lake near the Willow Bund.

Subsequently I recovered Rupees 2,618-13-3 (of the Rupees 17,699) by sale of materials, and this sum is now to credit under the head of Miscellaneous Deposits

I beg to apply to Government for permission to spend this sum of Rupees 2,618-13-3, or as much of it as may be necessary, in purchasing a row of unsightly pariah huts close to the Agraharam and the Municipal Office.

4. In Statement B of the north water-supply channel, the Government will note that we have taken acres 12 22 from Mr. Frend, (see sketch and survey statements of area marked D and E) Of this land acres 7·46 are grass and 4 76 swamp

I have calculated Mr. Frend's compensation for the grass land at the rate we have offered to others, namely, Rupees 200 per acre (7 46 × 200 = 1,492), and for his swamp land I have offered him the same rate which Colonel Morgan has accepted for his swamp land ($\frac{A}{3\ 55}$ acres in sketch), namely, 400 Rupees an acre. (4 76 × 400 = 1,904.)

1,492 + 1,904 = 3,396
Add for inconvenience and delay 604
4,000

I made Mr. Frend a formal tender of Rupees 4,000, which he declines, claiming Rupees 25,000, as per his letter F., herewith forwarded.

5 The reservoir work was commenced in May 1868, before the Neilgherry Commission was established

In August 1868 I wrote formally to all the owners concerned for permission to carry on the works, and to allow the question of compensation to be settled subsequently.

They all gave permission, Mr Frend among the rest in his letter dated 21st August 1868

6 It now remains to arbitrate with Mr. Frend under the Land Acquisition Act X of 1870.

By paragraph 3 of the Act the Local Government is empowered to appoint a Judicial Officer to perform the functions of a Judge under the Act.

I would recommend that Colonel Rose Campbell be appointed.

From the Commissioner of the Neilgherries, to the Executive Engineer of the Neilgherry Range, dated Ootacamund, 16th July 1870, No 30.

In reply to Memorandum, 18th January 1870, No 58, from Secretary to Government, Public Works Department, (herewith returned,) I beg to send you three Statements (A , B., C) showing the probable cost on account of compensation for the Swamp Reclamation (A), and for the North and South Water Projects, Ootacamund (B and C).

2 Some delay has occurred in consequence of my having to await the surveys of the various bits taken

3. Colonel Farewell and I, after consultation, considered that 200 Rupees an acre, as a general rule, would be sufficient to offer the owner In some instances, however, as explained in the remark column of A , B , C , I have added to the amount of compensation for special reasons.

4 The figures in red ink are the sums which I have already paid away in compensation out of the 20,000 Rupees placed at my disposal in Government Order, Public Works Department, 19th January 1870, No 210 Of this amount I subsequently recovered Rupees 2,618-13-3 by sale of materials, and am about to write to Government to be allowed to spend the same in purchasing a street of unsightly Pariah huts near the Agraharam

5 You will observe that Rupees 17,699 have been spent on Swamp Reclamation compensation, and 2,301 on Water Supply compensation, and that I calculate that at least a further sum of Rupees 10,029 will be wanted, namely —

RS	
200	for Swamp Reclamation
8,209	for North Water Supply
1,620	for South Water do.
10,029	

6 I must remind you that my figures in A , B., and C , are only *estimates*, and it is very probable that owners in some instances will prefer to settle under Act X. of 1870 (Land Acquisition Act) than accept my offer.

7. Mr Frend, for example, in Statement B , demands Rupees 25,000, while I have only offered him 4,000, and I am accordingly about to write to Government to appoint a Judge under the Act above mentioned to determine the proper amount to be given.

8 You will observe that I have put in Statement A. 200 Rupees for Captain Mitchell for a 30 feet roadway, with catch drains, through his land on the margin of the lake near the Willow Bund

Proceedings of the Madras Government, Public Works Department,
14th October 1870.

A.

Account particular showing the expenditure on account of Reclamation Project in the District of Neilgherries

Date of disbursement	Name of the party to whom disbursed	Nature of disbursement	Number and date of Cheque		Amount of Bill	Total of the month	Grand Total
				1869	RS A. P.	RS A P	RS A P.
21st Jan 1869	V Kanagasaby Moodelliar	Compensation for land	79	21st Jan.	30 0 0		
Do do.	Vakeel Venkataramier	Do	75	20th do.	533 5 4		
Do do	Ramiah for do	Do	76	Do	10 0 0		
27th do	Cathaperumal Maistry	Do	82	26th do	100 0 0		
Do do	Periauna Ravoothen	Do	83	Do	170 0 0		
Do do	Chelva Acharry	Do	84	Do	90 0 0		
Do do.	Shunmoogum Pillay	Do	85	Do	115 0 0		
Do do.	Peroomall Pillay	Do	86	Do	75 0 0		
Do. do	Balavandrum Acharry	Do	87	Do	140 0 0		
Do do	Chinnapien	Do	88	Do.	40 0 0		
Do do	Veerabudra Pillay	Do	89	Do	500 0 0		
Do. do	Meenachee Ammall	Do	90	Do.	142 8 0		
Do do	Chowrimootoo Acharry	Do	91	Do	142 8 0		
Do do.	Survoomean	Do	92	Do	125 0 0		
Do do	Annamall	Do	94	Do	180 0 0		
Do do	Iyavoo Pundarum	Do	95	Do.	400 0 0		
28th do	Rajoo Acharry	Do	93	Do	128 0 0	2,971 8 4	
1st Feb do	Mahomed Sahib	Do	97	30th do	130 0 0		
Do do	Yacobkhan	Do	99	Do.	120 0 0		
Do do	Maduray	Do	109	Do	40 0 0		
Do. do	Shake Hoossane	Do.	106	Do	70 0 0		
Do do	Selodrum, Butcher	Do	100	Do	42 0 0		
Do do	Nunjapah Row	Do	102	Do	1,480 0 0		
Do. do	Poodoovai Mootoosawmy	Do	98	Do	45 0 0		
Do do	Adaikalum Acharry	Do.	104	Do	90 0 0		
Do do	Moothen	Do	105	Do	90 0 0		
Do do	Sesha Row	Do	110	Do	34 0 0		
Do do	Nagappen	Do	101	Do	100 0 0		
Do do	Theroomalay Colundi Pillay	Do	107	Do	40 0 0		
2nd do	Iyavoo Pillay	Do	111	Do	95 0 0		
3rd do	Mohomed Ibrahimkhan, son of Shake Hoossane	Do	108	Do	100 0 0		
Do. do	Ibrahimkhan, alias Meadur Sahib	Do	80	21st do	85 0 0		
5th do	Arooloo Maistry	Do	103	30th do	250 0 0		
Do do	Abdool Kawder	Do	116	4th Feb.	40 0 0		
Do do	Seetooram	Do	118	Do	45 0 0		
Do do	Syed Imam	Do	127	Do	140 0 0		
Do do	Gungaram	Do	120	Do	30 0 0		
Do do	K Ramiah	Do	123	Do.	17 0 0		
Do. do	Mahomed Iyeth Sahib	Do	114	Do	70 0 0		
Do do	Nagojee Row	Do	126	Do	250 0 0		
Do do	Ragoonatha Iyer	Do	125	Do	650 0 0		
Do. do	Lutchmedavy Ammall	Do	121	Do	25 0 0		
Do do.	Moonien and Meenachee	Do	122	Do	25 0 0		
Do do	Poramboor Rajoo Acharry	Do	119	Do	25 0 0		
Do do	Mooneyappa Row	Do.	130	Do	24 0 0		
Do do	Moorthooga	Do	124	Do	10 0 0		
6th do	Condasawmy Pillay	Do	115	Do	65 0 0		
10th do	Karooppanna Pillay	Do	120	Do	170 0 0		
11th do	Kistna Pillay	Do	117	Do	55 0 0		
17th do	Mahomed Isoph	Do	141	17th do.	80 0 0		
Do do	Davasagayam Pillay	Do	142	Do	150 0 0		
18th do	Mootoosawmy Pillay, Cart man	Do.	139	Do	245 0 0		
Do. do	Mootoosawmy Pillay, Rice merchant	Do.	140	Do	450 0 0		
Do do	Iyarapacharry and Palaniandacharry	Do.	143	Do	540 0 0		
Do do	Pikkojee	Do	137	Do	27 0 0		
3rd do	Coomara Row	Do	138	Do	38 0 0		
4th do	Mr W Williams	Do	147	23rd do.	680 0 0		
6th do	Authiammall	Do	145	Do	340 0 0		
5th do	Gungajee Row	Do	123	4th do	10 0 0		
7th do.	Seerpojee Row	Do	146	23rd do	35 0 0	7,064 0 0	
1st March do	Papanna, son of Maddanna	Do	149	27th do	60 0 0		
3rd do	Byrojee Row	Do	150	Do	10 0 0		
9th do	Mrs Hillier	Do	155	8th March	50 0 0		
9th do	Rajoo Moodelliar	Do	166	18th do	550 0 0		
9th do	Alagoo Pillay	Do	167	Do	200 0 0		
Do do	Kassimkhan	Do	168	9th do	75 0 0		
2nd do	Batchmean	Do	144	3rd Feb	75 0 0		

Proceedings of the Madras Government, Public Works Department.
14th October 1870.

Account particular showing the expenditure on account of Reclamation Project in the District of Nevlgherries.—(Concluded)

Date of disbursement	Name of the party to whom disbursed	Nature of disbursement	Number and date of Cheque		Amount of Bill	Total of the month	Grand Total
				1869	Rs A. P	Rs. A. P.	Rs A. P.
31st March 1869	Vanoogopaliah	Compensation for land.	148	27th Feb	40 0 0	1,060 0 0	
7th April do	Manager, Commissioner's Office, for Nuthumeah	Do ..	178	7th April	70 0 0		11,078 8 4*
Do do	Do for Soobarayalu	Do	179	Do	20 0 0		
Do do	Do for Haseem Khan .	Do .	180	Do	1,323 0 0		
13th do	Teroomalay Colundu Pillay, Rungasawmy Pillay	Do	181	12th do	650 0 0		
16th do	Manager, Commissioner's Office, for Kanagasaby Moodelliar .	Do. .	184	15th do .	90 0 0		
3rd May do	Do for Rungasawmy Naidoo	Do	192	3rd May	1,000 0 0	2,153 0 0	
10th do	Shaik Hyder	Do	193	Do .	150 0 0		
20th do	Manager, Commissioner's Office, for Sidoo Sait ..	Do. ..	197	19th do	124 0 0		
8th June do	Goolam Hyder Sahib .	Do	202	27th May	300 0 0	1,274 0 0	
19th Aug do	Manager, Commissioner's Office, for Mrs Vanegan.	Do	31	14th Aug	308 0 0	300 0 0	
Do do.	Do do	Do	32	Do	4 0 0		
19th Oct do.	Do Chinnachetty and others	Do .	76	15th Oct	1,181 10 8	312 0 0	
3rd Feb 1870	Asanbava and Co, Fakeer Mahomed	Do	157	1870 3rd Feb	1,400 0 0	1,181 10 8	
						1,400 0 0	
	Total .						6,620 10 8
	Captain Mitchell for Roadway						17,699 0 0
	Grand Total						200 0 0
							17,899 0 0

* Expended last official year

OOTACAMUND,
16th July 1870

(Signed) J W. BREEKS,
Commissioner.

B

Compensation for land taken for the North Water Supply Channel

No	Name of Property	Name of Proprietor.	Extent taken		Amount of compensation	Remarks
			Acs	Dec	Rs.	
1	Snowdon House . ..	General McLeod	3	46	692	
2	Puttah No 42 .		0	·19	38	
3	Do ,, 43 . ..		0	24	48	
4	Do ,, 44	Mr Bennett	0	20	40	
5	Do ,, 45		0	02	4	
6	Do ,, 46 .		0	·03	6	
7	.	Mr Taylor . .	0	20	40	Mr Frend demands Rupees 25,000 I have offered him Rupees 4,000
8	Swamp	Mr A Frend	12	22	900	
9	Reservoir Do	Colonel Morgan			*3,100	* These amounts are calculated at 400 Rupees an acre, being swamp lands containing peat
10	Do	Mr Ouchterlony	3	57	893	
11	Oxton House	Captain Richardson ...	7	49	*1,035	
12	Shedden do	Reverend Griffiths .	0	·25	*2,996	
			0	57	50	In addition I have added to Mr Frend's compensation for inconvenience and delay
					114	

Proceedings of the Madras Government, Public Works Department.

14th October 1870.

Compensation for land taken for the North Water Supply Channel—(Concluded)

No	Name of Property	Name of Proprietor.	Extent taken	Amount of compensation	Remarks
			Acs Dec	Rs	
13	Hill side House	Mr Reilly	0 23	†146	† One hundred Rupees extra given for loss of privacy, the channel running through their gardens and close to the houses.
14	Prospect do.	Mrs Eckersall	0 14	†128	
15	St Stephen's Hill	Reverend Griffiths	0 20	40	
16	Kempstow ..	Mr Cunliffe .	0 15	30	
17	Hill side Cottage	Mrs Rae .	0 ·14	28	
18	Rosemont	Mr Ouchterlony	0 47	94	
19	Woodside ..	Mrs Watson .	0 27	54	
20	Club	Secretary Club	0 17	34	
			29 ·85	10,510	
	Deduct already paid as in red ink ...	...		2,301	
	Remaining to be paid .	..		8,209	

OOTACAMUND,
16th July 1878

(Signed) J W. BREEKS,
Commissioner.

C

*Compensation for land taken for the South Water Supply Channel**

No	Name of Property.	Name of Proprietor.	Extent taken.	Amount of compensation
			Acs Dec	Rs.
1	Misquiths' Farm	Mr Misquith	0 15	30
2	Waste land block Do } No 58	Do.	0 ·27	54
3	Do. Do } No 99	Do	0 73	146
4	Waste land near Elk Hill .	Pestonjee Nuserwanjee ...	0 20	40
5	Pepbrook . Do .. }	Do	0 62	124
6	Elk Hill Cottage	Do	0 18	36
7	General Dowker's House . .	General Dowker	0 18	36
8	Eckford Cottage	Mr Coleman	0 20	40
9	Hope Land . .	Nurseeboye	0 31	62
10	Rock Lands .	T Onslow, Esq .. .	0 13	26
11	Glencoe Lower Stettenburgh .	Rev J B Sayers ...	0 35	70
12	Upper Stettenburgh ..	Mr J H Morgan	0 24	48
13	Goats Land	Captain J M Martin .	0 02	4
14	Glenwood	Deputy Commissary Flanagan	0 13	26
15	Baikie House . ... Kaity Lodge .. }	Dr J Miller . ..	0 41	82
16	Cluny Hall . ..	George Lecot, Esq	0 50	100
17	Bishopsdown .. .. Do .. ... }	Reverend T Dealtry	1 58	316
18	Belmont Estate .	Colonel Denison and Major C. P Taylor.	0 37	74
19	Fern Hill	Mr F Copleston and Major W. H Wapshare	0 64	128
20	Mowbray House ...	Colonel Saxton	0 36	72
21	Koondah Cottage .	Mrs Barclay ..	0 01	2
22	Waste below Cedars	.	0 17	34
23	Colonel Farewell's application Gable Cottage	Colonel Farewell .	0 21 0 14	42 28
			8 10	1,620

OOTACAMUND,
16th July 1870

(Signed) J W BREEKS,
Commissioner

Statement of area taken from Mr Frend for North Reservoir and Supply Channel

	Acres	
Area of E	06	Not taken,
Do of F.	13	to be deducted from 11 20
	19	
Mr Frend's extent as shown in Colonel Ouchterlony's Plan . ..	11 20	
Remaining, taken for Reservoir		
Add Nos 1, 2, and 3	11 01	
Add also supply channel from X to Y	45	
	76	
	12 22	Total taken
Grass .	7 46	
Swamp . .	4 76	
	12 22	Total

REVENUE SURVEY OFFICE,
Ootacamund,
21*st July* 1870

(Signed) J FRASER,
Sub-Assist. Revenue Survey,
for *Supt. Revenue Survey*

(Signed) J W. BREEKS,
Commissioner

From Mr A FREND, Ootacamund, to the Commissioner of the Neilgherries, dated Ootacamund, 19th July 1870.

IN compliance with your letter I beg to submit the following statement of the particulars of my claim for compensation for land taken from me for Government purposes —

Two acres of land were taken for the water channel and the bund

Nine acres of land were taken for the tank

About two acres of the latter land had original peat in them The existence of this pea I shall be prepared to prove The peat, from a specimen digging, was a yard in depth So far wa ascertained indisputably, but an iron rod driver into the soil brought up indications of the pea being two yards in depth I have further ascer tained that a cubic yard of peat contains about 250 brick, or two-thirds of a bandy-load A bandy load is worth, exclusive of the labour of cutting and the bandy-hire, Rupees 1-12-0 Giving 4,000 yards to an acre, each of the two acres of peat would have produced very nearly 5,000 Rupees. This computation is for a single cube, doubling the depth the produce of each acre would hav been worth some 10,000 Rupees

Two acres of peat at single cube, Rupees 10,000
At double cube, Rupees 20,000

5. The remaining seven acres of the nine taken for the tank would, if cultivated wit potatoes, have yielded a clear profit of at the leas 200 Rupees per acre per annum An acre shoul yield from 550 to 600 maunds in two crops per year, and each maund should bring 8 Anna If the land was *rented* for potatoe cultivation would bring, at the rate usually paid by th Natives, upwards of a hundred rupees per year for each acre

Seven acres' crop of potatoes per year, 1,400 Rupees

Rent of seven acres per year, 700 Rupees

6. Further, the construction of the tank has deprived me of access to my other peat land, which I have lost on an average about 2,000 Rs per year, making for the fourteen months durin which the tank has been under construction a total loss of about 2,300 Rupees There is no acces yet. I do not know when there will be.

Loss of 2,330 Rupees by want of access

7 Lastly, I would state that the cutting off the water is the source of a most serious loss to me, as it prevents my sowing more than one crop of potatoes per year in the land in my possession Ten acres have been under cultivation, producing until now two crops per year There are some twenty more acres which when cultivated will not, from the above cause, yield more than one crop per year

---

The lowest amount I am prepared to take for the acre, Rupees 25,000

19*th July* 1870

(Signed) A FREND
(Signed) J W BREEKS,
Commissioner

TRANSFERRED for disposal to the Department of Public Works

(Signed) R S ELLIS,
Chief Secretary

12*th August* 1870

REFERRED to the Government Pleader, with a request that he will report upon the mode of procedure to be adopted, and furnish a draft of the terms in which the appointment of Colonel Campbell should be made

FORT ST GEORGE,
19*th August* 1870

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

No. 206. From the Government Pleader, Madras, to the Secretary to Government, Public Works Department, dated Ootacamund, 17th September 1870 —

WITH reference to the Proceedings of Government in the Public Works Department, noted in the margin, referring to me a letter from the Commissioner of the Neilgherry Hills, with its enclosures, for report upon the procedure to be adopted in determining, under Act X of 1870, the price to be paid to a Mr Frend for land taken for public purposes, in connection with the water-supply of Ootacamund, I have the honour to submit the following observations

Dated 19th August 1870

2. I have conferred with the Commissioner on the subject, and have ascertained from him several particulars not appearing from the papers before me. It appears that the land in question belonging to Mr. Frend, and all the other lands required for the water supply and swamp reclamation schemes, were taken possession of in 1868, permission in writing being obtained from the respective owners for such possession being taken, subject to the subsequent determination of the amount of compensation under the Act

3 The Acts then in force regulating the acquisition of land for public purposes were Act VI. of 1857, and the amending Act II of 1861, which are both repealed by Act X. of 1870 from the 1st of June last. By section 2 of this latter Act references in contracts, etc., to the former Acts are to be read as if made to this Act, and under this provision the written permission given by the respective owners might be treated as a contract to sell their lands to Government at prices

to be determined in the manner pointed out by the present Act. The forms prescribed by the former Acts for taking possession of lands for public purposes were not, however, complied with, so that the title of Government to the lands would not, I think, be complete without conveyances from the owners, and in the event of any of them refusing to execute such conveyances, Government might be driven to the necessity of bringing suits to compel them to do so. This would of course be inconvenient, and difficulties might arise from the agreements for sale not being stamped, and in other ways.

4. It appears to me, therefore, that the safest course will be to go through the whole process required by the present Act with regard to all the lands taken for the two schemes in question. The first step will be the publication in the *Gazette* of a declaration, under section 6, that the land is required for a public purpose. The Commissioner informs me that he will immediately furnish the description of the land and the other particulars necessary for such declaration.

5. After the publication of the declaration last mentioned, the Commissioner will go through the forms prescribed by sections 9 to 13 (inclusive) for investigating the nature and value of the claims to the land, and then, in the case of the owners who agree as to the price, make his award under section 14, and in the case of those who refuse the amount tendered to them, refer the matter to the Court under sections 15 and 18.

6. After the award or reference to the Court has been thus made, the title of Government to the land will, under section 16, be complete without any conveyance from the owners.

7. With regard to the appointment of Colonel Campbell to exercise the powers of a Judge under the Act, I was at first doubtful whether that gentleman was a Judicial Officer within the terms of section 3, clause 5, but having ascertained that he is a Magistrate with full powers, and in no sense a Revenue Officer, I think he may properly be appointed The appointment should be made by notice in the *Gazette*. It may either be for the special purpose of deciding upon Mr. Frend's claim alone, or more generally for deciding upon all claims in connection with the two public works in question, or more generally still for all purposes under the Act within the district I enclose draft form of appointment for each of the above cases I would suggest that the second or third form would be more convenient than the first, as I understand from the Commissioner that it is not unlikely that some other owners of land besides Mr. Frend may not agree to the terms proposed

8. I return all the enclosures forwarded to me with the above Proceedings.

No. 207. ORDER THEREON, 14th October 1870, No. 2,468.

CIVIL WORKS, No. 18

IN Part II. of the Public Works Budget of 1869-70 a sum of Rupees 20,000 was provided to meet demands on account of compensation for land required for the "Water Supply and Reclamation Works" at Ootacamund.

Proceedings of the Madras Government, Public Works Department, 14th October 1870.

2. The entire amount having been placed at the disposal of the Commissioner of the Neilgherries, that officer now reports that the allotment has been expended as follows.—

	Estimated cost.	Payments made.	Balance to be provided
	RS A. P.	RS. A P.	RS A P.
Reclamation Project ..	15,280 2 9	15,080 2 9	200 0 0
North Water Supply Channel . .	10,510 0 0	2,301 0 0	8 209 0 0
South do. do	1,620 0 0	.	1,620 0 0
Total .	27,410 2 9	17,381 2 9	10,029 0 0

3. The Government are desirous that the whole of the lands particularized in the Commissioner's statements should be taken up with as little delay as practicable, and, in order to this, the sum of Rupees 10,029 still required will be allotted as savings on other assignments are made available Meanwhile, the Commissioner's letter, together with the opinion of the Government Pleader, will be referred to the Judicial Department, with a view to arrangements being made, in pursuance of the recommendation in paragraph 6 of the former, for the appointment of an officer to perform the functions of a Judge under paragraph 3 of Act X. of 1870.

4 Adverting to paragraphs 5 and 6 of the Government Pleader's letter, the Commissioner will be requested to follow the course therein indicated in respect to all the lands required or taken up for the Reclamation and Water Supply Projects.

(True Extract.)

Colonel, R.E,
Secretary to Government.

To the Judicial Department.
,, Commissioner of the Neilgherries
,, Superintending Engineer, 7th Division.
,, Controller of Public Works Accounts.

Exd. S. T. Augustin

Govt. of [1870] Madras

PUBLIC WORKS.

To

THE JUDICIAL DEPARTMENT

&c, &c, &c.

Dated October 14th

Recd.

Encl

G O, 14th October 1870, No 2,433

OCTOBER

Nos. 205-206 & 217

Reclamation and Water Supply Projects at Ootacamund.—Passing orders on papers relative to lands required to be taken up for the Reclamation and Water Supply Projects at Ootacamund.

a Account shewing the expenditure on account of Relief Works during the month of January 1870 in the District of Tinnevelly

Date of Disbursement	Name of the party & work on which employed	Number employed	Amount paid	Total for the month	Grand Total	Remarks
1869						
January 29	Ramasamien for Excavation	79				
" 30	Ramah for Do	85				
" 31	Do	76				
February 1	Do	82				
" 2	Do	83				
" 3	Do	84				
" 4	Do	85				
" 5	Do	86				
" 6	Do	87				
" 7	Do	88				
" 8	Do	89				
" 9	Do	90				
" 10	Do	91				
" 11	Do	92				
" 12	Do	94				
" 13	Do	95				
" 14	Do	93				
" 15	Do	97				
" 16	Do	99				
" 17	Do	102				
" 18	Do	100				
" 19	Do	102				
" 20	Do	98				
" 21	Do	104				
" 22	Do	105				
" 23	Do	110				
" 24	Do	101				
" 25	Do	107				
" 26	Do	111				
" 27	Do	108				
" 28	Do	80				
" 29	Do	103				
" 30	Do	116				
" 31	Do	118				
February 1	Do	107				
" 2	Do	108				
" 3	Do	109				
" 4	Do	119				
" 5	Do	130				
" 6	Do	124				

(Carried forward &c)

	31	Canoogo Palial	19	148		37		
April	7	Manager Commrs						
		Comrs Office for Kuthumeah	19	178	April	7		
		do for Poobaragalu	19	179		7		
		do for Hassem Khan	19	180		7		
	13	Kroomalay Colandu Pillay						
		Rungasawmy Pillay	19	181		12		
	16	Manager Commrs Office						
		for Managasaby Moodr	19	184		15		
May	3	do for Rungasawmy Moodr	19	192	May	3		
	10	Shaik Heyder	19	193		3		
	20	Manager Commrs Office						
		for Abdoo Sait	19	197		19		
June	8	Goolam Heyder Sahib	19	202	May	27		
Augt	19	Manager Commrs Office						
		for Mrs Canegan	19	31	Augt	14		
		do do	19	32		14		
Octr	19	do Chinnachetty & others	19	76	Octr	15		
1870 Febr	3	Assanbawa & Co Jaseer Mahomed	19	157	1870 Febr	3		
						Total		
		Capt Mitchell for Roadway					200	
						Grand Total	17.899	

Postscript
16 July 1870

(Signed) J. W. Brooke
Commissioner

A

Account Particulars
Showing the expenditure on account
of Reclamation
Project in the District
of Sudbury.

OW 3176/20
Treas. 14th Oct. 20 Ledr. L. 205.

L. Pub. Wks 1177 6/20

B.

Continuation
Vouchers for
Expenditure
from the Appropriation
Water Supply
Channel.

OW 3176/20
Treas. 14th Oct. 20 Ledr.

L. Pub. Wks 1177 6/20

Compensation for land taken for the North Water Supply Channel

№	Name of Property	Name of Proprietor	Extent taken Acres	Extent taken Decs	Amount of Compensation Rs	as	
1	Snowdon House	General Mc Leod	3	46	692	. .	
2	Puttah № 42		.	.19	38	. .	
3	Do № 43		.	.24	48	. .	
4	Do № 44	Mr Bennett	.	.20	40	. .	
5	Do № 45		.	.02	4	. .	
6	Do № 46		.	.03	6	. .	
7		Mr Taylor	.	.20	40	. .	Mr Trend demands Rupees 25000. I have offered him Rupees 4000
8		Mr A. Trend	12	.22	*3100	. .	
9	Reservoir — Swamp	Colonel Morgan	3	.57	*1035	. .	× These amounts are calculated at 400 Rupees an acre being swamp land containing Peat
10	Do	Mr Ouchterlony	7	.49	*2996	. .	
11	Do	Captain Richardson	.	.25		✓	In addition I have added to Mr Trend's compensation for inconvenience and delay
12	Ocston House	Reverend Griffiths	.	.57		✓	
13	Shedden House	Mr Reilly	.	.23	⊗	✓	⊗ 100 Rupees extra given for loss of privacy the channel running through their gardens and close to the houses
14	Hill side House	Mr Eckersall	.	.14	⊗	✓	
15	Prospect House	Reverend Griffiths	.	.20		✓	
16	St Stephens Hill	Mr Cundliffe	.	.15		✓	
17	Hempston	Mr Rae	.	.14	28	. .	
18	Hill side Cottage	Mr Ouchterlony	.	.47	94	. .	
19	Rosemont	Mr Watson	.	.27	54	. .	
20	Woodside	Secretary Club	.	.17	34	. .	
	Club		29	.85	10,510	. .	
	Deduct already paid as in red ink				2301	. .	
	Remaining to be paid				8209	. .	

Calcutta
16th July 1870

Signed E W Brooke
Commissioner

(True Copy)

Imeely
Commissioner

C.

Compensation for land taken for the South Water Supply Channel

W 3176/70

Pass 11 Oct 70 Ld £305

In Vest Mr 1139 of 70

Compensation for land taken for the South Water Supply Channel

No.	Name of Property	Name of Proprietor	Extent taken	Amount of compensation
			Acs Dec	Rs A P
1	Mesquitis Farm	Mrs Mesquitis	. .15	30 . .
2	Waste land block. / Do	No 58 / Do	" .27	54 . .
3	Do / Do	No 99 / Do	" .73	146 . .
4	Waste land near Elto Hill	Peetonjee Nuserwanjee	. .20	40 . .
5	Pepbrooke / Do	Do	" .62	124 . .
6	Elto Hill Cottage	Do	" .18	36 . .
7	General Dowkers House	General Dowker	. .18	36 . .
8	Eastford Cottage	Mrs Coleman	. .20	40 . .
9	Hill Slope land	Nuseeboye	. .31	62 . .
10	Rocky lands	J Ovalow Esquire	. .13	26 . .
11	Glenroe Lower Stettenburgh	Reverend J B Lay[illegible]	" .35	70 . .
12	Upper Stettenburgh	Mrs J H C Morgan	. .24	48 . .
13	Goats land	Captain J. Mo. Mar[illegible]tin	. .02	4 . .
14	Glenwood	Depy. Comm: Flan[illegible]agon	. .13	26 . .
15	Banks House / Hanky Lodge	Do J Miller	. .41	82 . .
16	Clump Hill	George Secat Esquire	. .50	100 . .
17	Bishopsdown / Do	Reverend J Deall	1 .58	316 . .
18	Belmont Estate	Capt Denison and Major [illegible]	. .37	74 . .
19	Fern Hill	Mrs F Copleston and [illegible]	. .64	128 . .
		Mapehare	. .36	72 . .
20	Monbray House	Colonel Sacston	. .01	2 . .
21	Woodlands Cottage	Mrs Barclay	. .17	34 . .
22	Waste below Cedars		. .21	42 . .
23	Capt Farewells application / Gable Cottage	Capt Farewell	" .14	28 . .
			8 .10	1620 . .

Calcutta
16th July 1870

(Signed) J.W. Brooks Esqre

True Copy

J.W. Mcelly

Commissioner

No. 30.

Cotacamund
Commr's office
16th July 1870.

From The Commissioner
Nilgherries

To Captain Morant
Executive Engineer
Nilgherry Range
Cotacamund

Sir,

In reply to memo 18 January 1870
No. 58 from Secretary to Government
Public Works Department (herewith
returned) I beg to send you three
statements A B C. shewing the pro-
bable cost on account of compen-
sation for the Swamp Reclamation
A and for the North and South
Water projects Cotacamund B and C

2. Some delay has occurred
in consequence of my having to
await the surveys of the various
lots taken

3 Colonel Farewell and I after
consultation considered that
200 Rupees an acre as a general
rule

rule would be sufficient to offer the owner. In some instances however as explained in the Remarks Column of A.B.C I have added to the amount of Compensation for special reasons

4. The figures in red ink are the sums which I have already paid away in Compensation out of the 20000 Rupees placed at my disposal in Government Order Public Works Department 19th January 1870 No. 210. Of this amount I subsequently recovered Rupees 2618-13-3 by sale of materials and am about to write to Government to be allowed to spend the same in purchasing streets of unsightly Pariah huts near the Agraharam.

5 You will observe that Rupees 17,699 have been spent on Swamp Reclamation Compensation

Compensation and 2,301 on water supply, Compensation and that I calculate that at least a further sum of Rupees 10,029 will be wanted viz:

200. for Swamp Reclamation
8209. for North Water Supply
1620. for South Water Do.
10029

I must remind you that my figures in A B and C are only estimates and it is very probable that owners in some instances will prefer to settle under Act X of 1870 (Land Acquisition Act) than accept my offer.

Mr Friend for example in statement B demands Rupees 25,000 while I have only offered him 4,000 and I am accordingly about to write to Government to appoint a judge under the Act above mentioned to determine the proper amount to be given

You will observe that I have put in statement A 200 Rupees

Rupees for Captain Mitchell
for a 30 feet Roadway with
catch drains through his land
on the margin of the Lake near
the Willow Bund.

I have &c.
(Signed) C.W. Brooke
Commissioner

(True Copy)

Wrisdell
Commissioner

Dated 23 Sept. 7

My dear Sir

Three Cafers were sent to
Lucky the Govt. Plunder & Stock
the Opportunity of asking in Council
who was to be appointed & which
form of declaration was to be adopted.
As far as I remember I wrote to you
& spoke to any that Major Hodgson
was to be appointed to the duty but
Colonel Campbell - However the
former is not qualified & the
latter is not thought to be eligible

Dated 16 July 1870

Received 30 July 1870

Sir

I have the honor to forward
herewith for the information of
Government a Return of Expenditure
on account of Roads & Bridges
for the Month of June last
& to request that the Amount
may be placed to the Credit of
the Colonial Treasurer on account
of the Roads & Bridges Vote
for the current year

I have &c.
(Signed) C.W. Brooke
Commissioner

(True Copy)

Wrisdell
Commissioner

No 1113 of 1870

and it has been decided
that the Civil & Supreme Judges
of Coimbatore is to be appointed
The detailed arrangements
to be made in the Public
Department and Form
2 is to be adopted in making
the appointments, would you
will please to direct to the Secretary
of the Bench Courts' letter to the
Communicate the Govt. to the
Public Department in order

that the appointment of Munsiffs may be
arranged for: Also Judge of the High Court has
arranged for Vakil Ramaswamy Iyengar
to Kadaly in charge of
with instructions to go to Pleaders' Letter that he
Considers that the whole business of the
Munsiff's should be transacted with Head
to all the Courts

No 31

Cataeamund
Commr's office
23 July 1870.

From J. W. Breeks Esquire
Commissioner
Fisheries

To The Chief Secretary
to Government
Cataeamund

Sir,

1 I have the honor to enclose copy of my letter and statements ABC to the Engineer giving (according to my estimate) the probable cost to Government of compensation for lands taken for the Swamp Reclamation and Water supply channels

2. The total estimated cost stands as follows;—

	Paid	To be paid
Swamp Reclamation 17.699 — {2618-13-3 recovery}	15080 - 2 - 9	200 — " — "
North Water Supply Channel	2301 — " — "	8209 — " — "
South Water Supply do.	" — " — "	1620 — " — "
	17.381 - 2 - 9	10029 — " — "

17381 - 2 - 9

17.381 29 + 10.029 = 27.410 . 2 . 9

totab estimated cost.

3. The Government will ob. serve by Statement A that Rupees 17.699 have been paid out of the 20.000 Rupees sanctioned in Government Order Public Works Department 19th January 1870 No. 210. in compensation for houses and Lands taken on account of the Swamp Reclamation, and that the sum of 200 Rupees has still to be paid for a roadway through Captain Mitchell's Land on the margin of the Lake near the Willow Bund

Subsequently I recovered Rupees 2618 13 3 (of the Rupees 17.699) by sale of materials and this sum is now to credit under the head of Miscellaneous Deposits.

I beg to apply to Government for permission to spend this

this sum Rupees 2.618 – 13 – 3 or as much of it as may be necessary in purchasing a row of unsightly Pariah Huts, close to the Agraharam and the Municipal office

4. In Statement B of the North Water Supply Channel the Government will note that we have taken acres 12.22 from Mr. Freud (see sketch and Survey statements of area marked D and E) Of this land acres 7.46 are grass and 4.76 swamp.

I have calculated Mr. Freud's compensation for the grass land at the rate we have offered to others namely Rupees 200 per acre.

7.46 × 200 = 1492

and for his swamp land I have offered him the same rate which Colonel Morgan has accepted for his swamp land (A in Sketch) viz: 400 Rupees an acre.

4.76 × 400 = 1904

1492

1492 + 1904 = 3396

Add for inconvenience and delay ——— } 604

4,000

I made Mr. Grend a formal tender of Rupees 4000 which he declines, claiming Rupees 25,000 as per his letter F herewith forwarded.

5. The Reservoir work is was commenced in May 1868 before the Neilgherry Commission was established

In August 1868 I wrote formally to all the owners concerned for permission to carry on the works and to allow the question of compensation to be settled subsequently.

They all gave permission - Mr. Grend among the rest in his letter dated 21st August 1868.

6. It now remains to arbitrate with Mr. Grend under the

the Land Acquisition Act X of 1870

By para. 3 of the Act the Local Government is empowered to appoint a judicial officer to perform the functions of a judge under the Act

I would recommend that Colonel Rose Campbell be appointed.

I have the honor to be

Sir

Your Most Obt Servt

J. Maxwell

Commissioner

Public Works 1870 Department

From The Govt Pleader

No. 3176

To

The Commissioner

of Public Works

Dated 23 July 1870

Rec'd 25 July 1870

No. 1177 No. 3

Enclosure No 7

Forwards Copy of letter addressed to Capt. Morant as well as of Statements A. B. & C. and reports upon the Reclamation Scheme and Water Projects Referred

Fort St George
19th August 1870

Chas A. Lee Lt. RE
Secretary to Govt P.W.D.

To The Govt. Pleader
with Act X of 1870 & Tracings

No 159

Rec'd 22nd August 1870

To

The Chief Secretary to Government

Referred to the Government Pleader with a request that he will report upon the mode of procedure to be adopted, and furnish a draft of the terms in which the appointment of Col Campbell should be made.

Transferred for disposal to the Department of Public Works

12 Aug: 1870.

R Ellis
Chief Secretary

No 1025

Yields from 550 to 600 maunds in
two crops per year, and each maund
should bring eight annas. If the
land was rented for Rs 1 per cultivation
it would bring in at the rate usually
paid by the Natives, upwards of a
hundred rupees per year for each acre.

Rent of 100 acres per year, 700 Rupees.

Further, the construction of
the Tank has deprived me of access
to my other peat lands by which
I have lost on an average about 2000
Rupees per year, in taking for the
fourteen months during which the
Tank has been under construction,
a total loss of about 2,330 Rupees.
There is no access yet. I do not
know when there will be.

Loss of 2,330 Rupees by want of access.

Lastly I would state that
the cutting of the water is the source
of a most serious loss to me, as it
prevents my sowing more than one
crop of potatoes per year in the lands
I have under cultivation. The acres I have
until now two crops per year. There
are some twenty more acres which
when cultivated will not from
the above cause yield more than
one crop per year.

I am Sir
Your Obedient Servant
A. Kenny

Ootacamund
19th July
1870

The lowest amount I am
prepared to take for the
Acre Rs 2500

A. Kenny

19. July 1870
Nil

I. Worrell
Commissioner

Estacamund
17th Sept 1870

From J. W. Handley Esq
Government Electric Master

To Colonel C. A. Orr R. E.
Secretary to Government
Public Works Department

Sir

With reference to the Proceedings of Government in the Public Works Department noted in the margin, I have the honor to forward herewith a letter from the Commissioner of the Nilgiris Hills with its enclosures for report upon the procedure to be adopted in determining, under Act X of 1870, the price to be paid to a Mr. Friend for land taken for public purposes in connection with the water supply of Ootacamund, I have the honor to submit the following observations

2. I

Dated 19th August 1870
Rc

From
Mr. A. Friend
Collector Ammul

To the Commissioner
Nilgiris

Dated 10th July 1870
Received 13th July 1870
Letter from the Collector Ammul
Requesting to be informed what
Land Amount will be required
to be resumed for the
Public purposes
Land Enquiry Commissioner
Rs 2,500

Submitted

Para 2. I have conferred with the Commissioner on the subject & have ascertained from his several Gun Bunders set appearing from the papers before me. It appears that the land in question belongs to Govt: Trust & all the other lands required for the water supply and sewerage reclamation schemes were taken possession of in 1868, permission having been obtained from the respective owners for such possession taken, subject to the subsequent determination of the amount of compensation under the Act.

3. The Acts then in force regulating the acquisition of land for public purposes were Act VI of 1857 & the amending Act II of 1861, which are both repealed by Act X of 1870 from the 1st of June last. By section 2 of this latter Act references in contracts &c to the former Acts are to be read as if made to this Act, & under this Provision, the written permission by the respective owners might be treated as a contract to sell their lands to Government at prices to be determined in the manner pointed out by the present Act. The forms prescribed by the former Acts for taking possession of lands for public purposes were not likewise complied with, so that the title of Government to the lands would not, I think, be complete without conveyances from the owners, & in the event of any of them refusing to execute such conveyances, Government might be driven to the necessity of bringing suits to compel them to do so. The result of course be inconvenient and difficulties might arise from the agreements for sale not being stamped & in other ways

4. It appears to me therefore that the safest course will be to go thro' the whole process required by the present Act with regard to all the lands taken for the two schemes as if none

For

The first step will be the publication in the Gazette of a declaration, under section 6, that the land is required for a Public purpose. The Commissioner informs us that he will immediately furnish the description of the land and the other ~~information~~ particulars necessary for such declaration.

5. After the publication of the declaration last mentioned, the Commr. will go through the forms prescribed by sections 9 to 13 (inclusive) for investigating the nature & value of the claims to the land, and then, in the case of the owners who agree as to the price, make his award under section 14, and in the case of those who refuse the amount tendered to them, refer the matter to the Court under sections 15 and 16.

6. After the award or reference to the Court has been thus made, the title to the land will be vested in the Crown, under section 16, the compensation without any conveyance from the owners.

7. With regard to the appointment of Colonel Campbell to exercise the powers of a Judge under the Act, I was at first doubtful whether that gentleman was a Judicial officer within the terms of section 3 clause 5, but having ascertained that he is a Magistrate with full powers & in no sense a revenue officer, I think he may properly be appointed. The appointment should be made by notice in the Gazette. It may either be for the special purpose of deciding upon Mr Finch's claim alone, or more generally for deciding upon all claims in connection with the Tow Public works in question, or more generally still for all purposes under the Act

within the District - I enclose draft form of affidavit for each of the above cases. I would suggest that the 2nd or 3rd form would be more convenient than the 1st, as I understand from the Cases that it is not unlikely that some other owners of land besides Mr Freud may not agree to the terms proposed.

6. I return all the enclosures enclosed to me with the above Proceedings.

I have the honor to be
Sir
Your most obedient servant
J Wilkinson
Collr

No 2468

Copy of letter from Public Works Dept No 3814/5 dated 29th August 1870 to Revd Wells Bliss

Public Works Dept

No 2468

Proceedings of the Madras Government -
Under date the 14th October 1870
Read the following

From the Commissioner
Neilgherries (H.C. No 31 of 23rd July 1870)
From the Govt Leader - (H.C. No 717 Sept 7th)

In Part II of the Public Works Budget of 1869/70 a sum of Rs 20,000 was provided to meet demands on account of compensation for land required for the Water Supply and Reclamation Works at Ootacamund.

The entire amount having been placed at the disposal of the Commissioner of the

the Neilgherries that officer now reports that the allotment has been expended as follows.

	Estimated Cost	Payments made	Balance to be provided
Reclamation Project	15,280-2-9	15,080-2-9	200-"-"
North Water Supply Channel	10,510-"-"-"	2,301-"-"-"	8,209-"-"
South do	do	1620-"-"-"	1620-"-"
Total	27,410-2-9	17,381-2-9	10,029-"-"

The Government are desirous that the whole of the lands particularized in the Commissioners Statements should be taken up with as little delay as practicable and, in order to this, the sum of Rs 10,029 still required will be allotted as savings on other assignments are made available.

Meanwhile,

meanwhile the Commissioners letter, together with the opinion of the Govt. Pleader, will be referred to the Judicial Depart.t, with a view to arrangements being made in performance of the recommendation in Para 6 of the former, for the appointment of an officer to perform the functions of a judge under para 3 of Act X of 1870.

Adverting to paras 3 to 6 of the Government Pleaders letter, the Commissioner will be requested to follow the course therein indicated in respect to all the lands

lands required or taken up for the Reclamation and Water Supply Projects and in order to the publication of the requisite declaration in the Fort St. George Gazette, His Excellency in Council desires to be furnished with a description of the lands and with all other necessary particulars.

Further Rect. 7741 & 7165 of 71

C.P.C.

4

To
The Jud. Dept. with one Endt.
" Commissioner of the Neilgherry
" Supt. Engr. & Dy.
" Controller P. Dr. Accts.
Dept. 19/10/70.

Nos. 376 & 3845

Govt. of {1870} Madras.

PUBLIC WORKS.

To Judicial Department

Dated

Read

G. O. 14th Oct. 1870, No. 2468.

Nos. 205-206 & 207

Reclamation & Water Supply Projects at Cuddalore.

Papers & orders & papers relative to lands required to be taken up for the Reclamation & Water Supply Projects at Cuddalore.