

- (1) Number of pages _____
(2) Date of repair _____
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Public Works DEPARTMENT

G.O. No.	1327-28	(W) Press
B.P. No.		Mis.
Dated	26.5-	1876.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Works Department,
26th May 1876.*

Read the following papers :—

No. 475. From J. R. COCKERELL, Esq., Commissioner, Nilgiris, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Ootacamund, 9th March 1876, No. 16.

In June 1874, the Imperial road called Hadfield's road in Ootacamund was metalled by Captain Morant, the District Engineer.

2. As a protection to the road a catch-drain was cut on the Westlake grounds, the property of Sir W. Arbuthnot.

3. Shortly afterwards, Sir W. Arbuthnot, during a visit to the Hills, complained to me verbally, alleging that the cutting of the catch-drain by the District Engineer was unauthorized, and a trespass for which he should ask compensation. I intimated his proper course was to address me officially.

4. The matter lay in abeyance till June 1875, when I received a letter from Sir W. Arbuthnot, claiming 500 Rupees for the land annexed to the road by the catch-drain.

5. Thereupon I addressed Captain Morant, who made inquiries of his subordinates, and from their reports formed the opinion that no compensation was due, because the reports stated—

1st.—Permission had been obtained from Lady Arbuthnot to re-open the drain.

2nd.—The catch-drain was an old drain, which was merely re-opened.

6. I referred the question to the Survey Officer and he reported that the catch-drain took in 34 of an acre of the Westlake property.

7. I then addressed Captain Morant, inquiring whether, as it appeared clear part of Westlake had been appropriated, he was in a position to grant compensation.

8. Captain Morant replied, urging his previous objections, and requesting the whole correspondence might be laid before Government. It appears that the District Engineer in any case has no funds at the credit of the road from which compensation could be drawn.

9. I have the honor to submit the correspondence in original. Lady Arbuthnot denies that she gave permission for the drain to be cut, and Sir W. Arbuthnot was not on the Hills at the time. The first objection put forward, therefore, falls to the ground. Captain Morant's subordinates in asserting permission was sought, must have made a mistake.

10. The second objection is that the drain was an old drain re-opened. The reply is that at all events the drain is on Westlake, and Sir W. Arbuthnot cannot have known of its existence. Re-opening such a drain was a retaking.

11. The compensation for land taken up in Ootacamund varies, but land is daily becoming more valuable, and the Municipality have recently bought land at 750 Rupees an acre.

12. Sir W. Arbuthnot, as will be seen from his last letter, will accept Rs. 200, and I beg to submit his demand for the favorable consideration of Government and for the allotment of the funds.

13. Captain Morant urges *inter alia* that the metalling of the road was of advantage to the Westlake property, and that he levelled in execution of the work the entrance to Westlake. No doubt Sir W. Arbuthnot would have taken these things

*Proceedings of the Madras Government, Public Works Department,
26th May 1876.*

7. In conclusion I have the honor to request that this matter may be referred to Government for orders, together with *the whole* of the correspondence, and I beg that I may be informed whether it is your intention to comply with this demand.

From J. R. COCKERELL, Esq., Commissioner, Nilgiris, to Sir W. W. ARBUTHNOT, Madras, dated Ootacamund, 16th February 1876, No. 51.

I HAVE had under consideration your letter of 28th June last, complaining of the District Engineer's trespass on the Westlake property, and an appropriation of a portion of land adjoining the high road that skirts "Westlake."

2. I regret I do not see my way clear to recommending to Government the full amount, Rupees 500, of compensation claimed by you, as such an application could not be preferred on any established precedent.

3. The land severed from Westlake by the catch-drain cut under Captain Morant's orders measures .34 of an acre.

4. The majority of compensation hitherto paid for land taken up by Government has been at the rate of 200 Rupees an acre. Compensation to you proportioned to this area would thus amount to Rupees 68. In your case a trespass has also been committed. I am therefore prepared to recommend to Government that you should receive compensation in the sum of 200 Rupees. Please inform me whether you are prepared to accept this amount in full of all demands. I beg to express my regret at the delay that has occurred in the matter. It has been owing chiefly to my fault in having overlooked the fact of a survey of the trespass I ordered having been sent in some time ago.

From Sir W. W. ARBUTHNOT, to J. R. COCKERELL, Esq., Commissioner, Nilgiris, Ootacamund, dated Madras, 22nd February 1876.

I HAVE the honor to acknowledge the receipt of your letter of the 16th instant, replying to my application for compensation for the District Engineer's trespass on my Westlake property. Although I do not consider that I should by any means have got off so easily if I had myself, even inadvertently, trespassed to a similar extent on a neighbour's property, still under the peculiar features of the case, and the fact that the work was intended for the protection of a public road, I am willing to accept the sum you are prepared to recommend Government to offer me as compensation for the trespass, *viz.*, Rupees 200 in full of all demands, provided that this sum is paid within a reasonable time from the date of this letter.

No. 476-A. To Sir W. W. ARBUTHNOT, Bart., dated 31st March 1876, No. 221.

No. 477. From Sir W. W. ARBUTHNOT, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 4th April 1876. ✓

I HAVE the honor to acknowledge the receipt of your letter, No. 221, dated 31st ultimo, and in reply to enclose copy of a letter received by me from the Commissioner of the Nilgiri Hills, dated 16th February 1876, offering me Rupees 200 as compensation in full of all demands on account of the trespass committed by the Public Works Officer and subordinates on my property of Westlake at Ootacamund, and also a copy of my reply thereto accepting the Commissioner's offer.

With reference to your remarks that a catch-drain is a necessary adjunct to the road below my land, and which concerns me at least as much as any of the general public, permit me to state, that as a holder of property in Ootacamund I have to

*Proceedings of the Madras Government, Public Works Department,
26th May 1876.*

contribute my share of taxes, in return for which, amongst other benefits, I may fairly expect that the public roads in my neighbourhood may be kept in proper repair without my being put to further inconvenience and expense.

While appreciating fully the apology tendered in your letter now under reply, I may observe that were the principle on which it is proposed to take possession of this land invariably adopted, it is evident that a public road might be constructed under the very windows of any person's house without any reference to them and to their great inconvenience, by the order of Government, and that the only compensation they would be entitled to receive would be at the rate of Rupees 200 per acre and 15 per cent. in addition on account of the forced nature of the transaction.

I may also state that in the first instance, it being believed that the road up to my house was a public road, I was offered the right of way as a compensation for the trespass; now to make this road alone, not to mention the purchase of the land for the purpose, would have cost me at the very least Rupees 500. By a reference to my title deeds, however, I proved that the road was a private one and part of my property.

I have therefore the honor to request that the compensation I was led to expect by the Commissioner of the Nilgiris would be granted me, *viz.*, Rupees 200 in full of all demands, may be allowed by the Government.

No. 477-B. From J. R. COCKERELL, Esq., Commissioner, Nilgiris, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Ootacamund, 5th April 1876, No. 22.

With reference to your memorandum, No. 551 of 27th March 1876, requesting me to submit, for the information of Government, the original putta or grant of the Westlake property, I have the honor to state that this office does not possess the document.

2. When Westlake was re-surveyed in 1871, the re-survey must have been on the old putta, as this is the regular course. The re-survey area was recorded in my office, and this is the entry for which quit-rent is charged.

No. 477-C. From R. J. MELVILLE, Esq., Acting Collector of Madras, to Major-General G. W. WALKER, R.E., Secretary to Government, Public Works Department, dated Madras, 11th May 1876, No. 153.

With reference to your memorandum, No. 670, of the 8th April 1876, I have the honor to inform you that the property known as "Westlake" alias "Gradation Hall" in Ootacamund does not appear to have been registered in the Register of grants kept by this department, and the original puttah is not therefore to be found in the records.

2. If the name of the original grantee, or any other name by which the estate is known, be intimated to this office further search will be made.

*Proceedings of the Madras Government, Public Works Department,
26th May 1876.*

No. 477.

ORDER THEREON, 26th May 1876, No. 1,327.

CIVIL WORKS, No. 40.

ORDERED that the following letter
be sent.

(Here enter No. 1,328, dated 26th May 1876.)

(True Extract.)

Colonel,

Offg. Under Secy. to Govt., P.W.D.

To the District Engineer, Nilgiris, } with letter.
.. Revenue Department,

PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, 26th May 1876.

No. 478.

No. 1,328.

FROM

MAJOR-GENERAL G. W. WALKER, R.E.,
*Secretary to the Government of Madras,
Public Works Department,*

TO

SIR W. W. ARBUTHNOT, BART.

CIVIL WORKS, No. 40-B.

SIR,—I am directed by His Grace the
Governor in Council to acknowledge your
letter inclosing one from the Commissioner

of the Nilgiris, by which it appears that that official had made you an offer of compensa-
tion, amounting to 200 Rupees, for the land severed from your property of Westlake.
Under these circumstances I have to inform you His Excellency the Governor in Council
is pleased to confirm the proceedings of the Commissioner; and the District Engineer
is instructed to pay you the sum of Rupees 200 accepted by you. His Excellency the
Governor in Council trusts that under this arrangement you will have no objection to
the fresh demarcation of the severance, so as to exclude it from your property and
admit of the check-drain being permanently kept open for the proper maintenance of
the road below.

I have the honor to be,

Sir,

Your most obedient servant,

Colonel,

*Offg. Under Secy. to Govt., P.W.D.,
for Secretary to Government.*

Exd. S. T. Austin.

Spare Copies



My dear Mr. Cochrane

No communication
has made to me
by the Ministry
regard to the
cutting of our lands
and I know nothing
of it being done

Letter after the
Sketch was finished
from my friend
Alia Arthur

Dearest
Aug 6. 96

10/2

Ms. 6. 2. 7.
30.

8 PM. 5

Madras, 28 June 1845.

J. P. Cockrell, Esq.,
Commissioner of the
Nizgherry Hills,
Cotacamund.

Sir,

I have the honour to bring
to your notice, that without any
permission or authority granted by
me, a certain portion of my property
named, "Westlake" at Cotacamund
has been trespassed upon by the
order of Captain Morant, District
Engineer Nizgherries, and a ditch
made upon it for the purpose of
protecting the High road which is
I believe under your jurisdiction
from the effects of storm water, and
whereas I have hitherto received no
compensation whatever for this
invasion of my land, I have now the
honour to lay before you my claim

for

for compensation for the injury to
and defacement of my property
caused by the ditch above mentioned
and, which injury and defacement
~~which~~ I estimate at the sum of
\$2500 which amount I shall be
obliged by your permitting to me
with as little delay as possible.

I have the honor to be,

Sir,

Your most obedient servant,

W. W. Robertson

Copy of the St. Louis map held for
for reman. 1-7-75

Letter of L. H. H. to W. W. Robertson

Ms. 1797/76

22 Oct.

1797

Dr. H. H. Williams
Windsor.

Quoted 25- } June 1895
200 30- }

From Livingston

Scientific Method

States that a article
has been made by the
British having reference
on his land at the end of
his residence in Port
& claims a contribution
of \$1000 for the survey.

C. No 2755.

Memorandum No 809-

The undersigned has the honor to call attention to his Memo: Off. the 8th April 1876 No 809 on the subject of the "Patta" of the Westlake property, Coatacannu, and to request an early reply thereto.

A. J. R. M.

Secy to Govt. P.W.D

May 1876-

Collector
Madras

Commissioner's Office
Coatacannu 2nd February 1876

From J. N. Cokerell Esq
Commissioner - Nilgiris

To The District Engineer Nilgiris

Sir.

In reference to the marginally noted Sir H. Arbutnot's correspondence on the claim of Sir W. Arbutnot for compensation for trespass on & appropriation of a strip of land belonging to the Westlake property I have the honor to inform you that Sir H. Arbutnot's letter dated 28th June 1875 District Engineer's Memo: letter No 226 of 31st July 1875 with enclosure I have had the land measured and find it to be .34 of an acre.

2. It is a matter for regret that Sir W. Arbutnot's permission was not obtained before the catch drain was cut. It is probable that it would have been readily conceded. However as the matter stands and as Sir William Arbutnot claims compensation it now remains to make him a suitable award, both for the land taken and the trespass committed and I request you will be so good as to inform me what amount you think is equitable compensation.

3. The current value of land taken up in

in the station used to be 200 Papas per acre
but the price has risen considerably as you
know.

4. Sir W. Arbuthnot asks for 500 Rs
and he threatens an action. I think he will
accept Rs 250. Will you do me the favor
to answer this reference at once as the matter
has been long in hand and Sir W. Arbuthnot
not requests an adjustment.

I have yes yes
Signed J. A. Cokerell
Commissioner

(true copy)
W V K W
for Commissioner

M 1797/76
4

District Engineer's Office
Ootacamund 9th February 1876

No 36

From

Well

The District Engineer
Kutsumma

The Commissioner
Kutsumma

I have the honor to acknowledge
your letter No 2 of the 2nd Instant.

2. Inquiries noticed have been
taken of the reasonable requests con-
tained in my letter No 226 of the
31st July 1875.

3. I maintain that no trespass
has been committed on Sir W.
Arbuthnot's property of Wottake for
the two following reasons.

1st. Because permission was sought
and obtained to re-open the old catch
drain.

2nd. Because this catch drain
had existed for at least the last
20 years. Colonel Shaw Stewart
states that the drain existed in
1854, when he was Executive Engi-
neer of the Hills. Consequently
Government had a right of entry.

Under these circumstances it
is obviously my duty to withhold any
payments.

Commissioner's Office
Pootamunk 16 February 1876

No 51.

From J. A. Beckwith Esq.
Commissioner - Milgrove.

To Sir W. W. Arbuthnot
Madras.

Sir. I have had under consideration your letter of 28 June last, complaining of the District Engineer's trespass on the Westlake property and an appropriation of a portion of land adjoining the High Road that skirts Westlake.

2. I regret I do not see my way clear to recommending to Govt, the full amount of Rs 500 of compensation claimed by you as such an application could not be preferred on any established precedent.

3. The land severed from Westlake by the Catch drain cut under Captain Morant's orders measures $\cdot 34$ of an acre.

M 1797/
5/76

District Engineer

Milgrove

Dated 9 Feb 1876

363

The District Engineer
Milgrove
360 High Road, Milgrove
for the Public Works
Department in the
District of Milgrove

The inability of amercement hitherto
paid. As land is situated by Act has been
at the rate of 200 Rs. per acre. Compensation
to you proportioned to the area would thus
amount to Rs. 2000. In your case a
trespass has also been committed. I am
therefore prepared to recommend to Court
that you should receive compensation
in the sum of 200 Rs. Please
inform me whether you are prepared to
accept this amount in full of all demands.
I beg to express my regret at the delay
that has occurred in the matter. It has
been owing chiefly to my fault in having
overlooked the fact of a survey of the
trespass. I ordered having been sent in some
time ago.

I have &c &c
(Signed) J. A. Cockrell
Commissioner

(True copy)

J. A. Cockrell
Commissioner

ARBUTHNOT & CO

Madras, 22 February 1896.

To
J. R. Cockrell Esquire,
Commissioner Nilgherries,
Ootacamund.

Sir,
I have the honor to acknowledge the receipt
of your letter of the 16th instant replying to my
application for compensation for the District
Engineers trespass on my Westland property.

Although I do not consider that I should
by any means have got off so easily if I
had myself, even inadvertently, trespassed
to a similar extent on a neighbour's property,
still under the peculiar features of the case,
and the fact that the work was intended for the
protection of a public road I am willing to
accept the sum you are prepared to recommend
Government to offer me as compensation for the
trespass, viz. Rs. 200 in full of all demands
provided that this sum is paid within a
reasonable

Yours faithfully,
W. H. Stowards, Secy. W.

time from the date of this letter.

I have the honor to be,

Sir,

Your most obt. Servant.

W. H. Richardson

1861.

16
and the date of the letter
is not to be
the same as
the date of the letter

is in the hands of Sir W.

time

M. 1794/16

Received 22nd
March 1896

Dr. Mr. W. Arbuthnot
Kew

Compendium

of the road in the

Highway Act 1835

to be made for the
purpose of —
to be made for the
purpose of —
to be made for the
purpose of —
to be made for the
purpose of —

Commissioner's Office

Colacmund 9 March 1896

No. 16

From J. R. Lockrell Esq
Commissioner - Milgore

To The Secretary of Government
P. W. Dept.
Fort St George
Sir.

In June 1894, the Imperial
Road called Hadfield's road in Colaca-
mund was metalled by Captain Morant,
the District Engineer.

2. As a protection to the road,
a catch drain was cut on the Westlake
grounds, the property of Sir W. Arbuthnot.

3. Shortly afterwards, Sir W.
Arbuthnot, during a visit to the Hills,
complained to me verbally, alleging
that

that the cutting of the Catch drain
by the District Engineer was unauthorized
and a trespass for which he should
ask compensation. I intimated his
proper course was to address me officially.

4. The matter lay in abeyance till
June 1845, when I received a letter from
Sir W. Arbuthnot, claiming 500 Rupees
for the land annexed to the road by
the catch drain.

5. Thereupon, I addressed Captain
Morant, who made enquiries of his
subordinates and from their reports
formed the opinion that no compensation
was due, because the reports stated:

1. Permission had been obtained
from Lady Arbuthnot to re-open the
drain.

2. The catch drain was an old

drain, which was merely re-opened. 2
6. I referred the question to the Survey
Officer and he reported that the catch
drain took in $\frac{3}{4}$ of an acre of the
Westlake property.

7. I then addressed Captain
Morant, enquiring whether as it appeared
clear part of Westlake had
been appropriated, he was in a
position to grant compensation.

8. Captain Morant replied,
urging his previous objections and
requesting the whole correspondence
might be laid before Government.
It appears that the District Engineer
in any case has no funds at the
credit of the road, from which com-
pensation could be drawn.

9 I have the honor to submit the correspondence in original. Lady Arbuthnot denies that she gave permission for the drain to be cut and Sir W. Arbuthnot was not on the Mills at the time. The first objection put forward, therefore, falls to the ground. Captain Morant's subordinates in asserting permission was sought, must have made a mistake.

10. The second objection is that the drain was an old drain re-opened. The reply is that at all events the drain is on Westlake and Sir W. Arbuthnot cannot have known of its existence. Reopening such a drain

3
drain was a retaking.

11. The compensation for land taken up in Ostecumund varies, but land is daily becoming more valuable and the Municipality have recently bought land at 450 Rupees an acre.

12. Sir W. Arbuthnot, as will be seen from his last letter, will accept Rupees 200 and I beg to submit his demand for the favorable consideration of Government and for the allotment of the funds.

13. Captain Morant urges inter alia that the metalling of the road was of advantage to the Westlake property and that he levelled in execution of the work, the entrance to Westlake. No doubt Sir W. Arbuthnot

4
Arbutnot would have taken these things into consideration and would have given up the land required for the catch drain if he had been asked. His reason for demanding compensation is that ^{in his opinion} he was treated in a high handed manner.

I have the honor to be
Sir
Your most obedient servant

W. C. Cocherell
Commissioner

March 31, 1876
No 221

To Mr. W. W. Brewster, Bart.

Sir, I am instructed to inform you that the subject of your letter to the land-missioner of the Shiloh, dated 28 Jan. 1876, has not yet been brought to the notice of Government, and to express regret that you should feel aggrieved at the proceedings of the officers and subordinates of the Public Works Department in connection with the opening of the catch-drains which run through your property. The action of the P. W. Officers and subordinates, (it must have

formal notice was not given to you of the work proposed in

The action of 27.6.76.

No. 1876-221

Date: 9 March 1876.

1876/197

Commissioner's Office,
Ootacamund.

To Mr. W. W. Brewster,

Secretary & Bart.

P. W. Dept.

Subst. Charge

Enclosure: 3

SUBJECT:

Compensation.

Submitting correspondence relating to compensation claimed by Mr. Brewster for land taken up from the Westlake property for cutting a catch drain

No 475

CC 14-3-76
CC 16-3-76
CC 14-3-76

have been under a misapprehension of the rights of Government, and of their duties, and for such invasion of your rights, if any, I am directed at once to apologise on the part of the Govt.

this conduct

(But it must be evident to you) I am further directed

to observe that a catch-drain is a necessary adjunct to the Road below the garden

of which I am at least as much

concerned as any of the General Public

in maintaining the question of right

I am to offer on behalf of Government

that a strip of your property including the catch-drain

has been purchased from you by the Government at the rate of Rs. 200 an acre

which is considered a fair average with the usual addition of 15 per cent in consideration of the forced nature of the transaction

of Govt to construct such work in lieu of the catch-drain believed to have been formerly made

in 1875

mm

Depd. 31-3-76

1873 1st March 1876
 N^o 221
 1873 1st March 1876
 N^o 221
 1873 1st March 1876
 N^o 221

P. 312

Commissioner's Office
Ottawa 26th February 1876.

J. H. Cockrell Esq. Commissioner of the
Commissioner of the
For W. W. Arbuthnot Esq. M.A. for J. H. Cockrell

I have had under consideration your letter of 28th last complaining of the District Engineer's trespass on the 'Westlake' property and an appropriation of a portion of land adjoining the High road that skirts Westlake.

I regret I do not see any way clear to recommending to Government the full amount of \$500. of compensation claimed by you, as such an application could be preferred on any established precedent.

The land severed from Westlake by the catch cut under Captain Morant's orders measures 3.24 acres.

I have the honor to be
Sir,
your most Obedt Servant.
(Sigs) W. W. Arbuthnot.

True copy
of
my share of

171. 2475/76

4. The Majority of compensations hitherto paid for land taken up by Government has been at the rate of 200 Rs. an acre. Compensation to you proportioned to this area would amount to Rs. 68. In your case a trespass has also been committed. I am therefore prepared to recommend to Government that you should receive compensation in the sum of Rs. 200. Please inform me whether you are prepared to accept this amount in full of all demands.

5. I beg to express my regret at the delay that has occurred in the matter. It has been owing chiefly to my fault in having overlooked the fact of a survey of the trespass. I ordered having been sent in some time ago.

I have the honor to be
Sir
Your most Obedt. Servt.
(Sgd) J. R. Cockrell
Commissioner
Cotacamund

Madras 11th April 1876

Madras, 22nd February, 1876

To
J. R. Cockrell Esq.,
Commissioner Nilgherries
Cotacamund.

Sir,
I have the honor to acknowledge the receipt of your letter of the 16th instant replying to my application for compensation for the District Engineer's trespass on my Westlake property.

Although I do not consider that I should by any means have got off so easily if I had myself, even inadvertently, trespassed to a similar extent on a neighbour's property still under the peculiar features of the case and the fact that the work was intended for the protection of a public road I am willing to accept the sum you are prepared to recommend Government to offer me as compensation for the trespass, viz. Rupees 200 in full of all demands provided that this sum is paid within a reasonable time from the date of this letter.

I have the honor to be
Sir
Your most Obedt. Servant.
(Sgd) W. W. Arbuthnot.

True copy
J. R. Cockrell

of property in Cotacamund, I. Thaver, & Co. contractors
my share of taxes, in return for which
amangal

136

Madras 15 April 1876

Major General G. H. Walker, R.E.
Secretary to Government,
Public Works Department,
Fort Saint George,
Madras.

x
No 51

dated 27
Feb 1875

Sir,
I have the honor to acknowledge the receipt of your letter N^o 221 dated 31st ultimo and in reply to enclose copy of a letter received by me from the Commissioner of the Malgherry Hills dated 16th February 1876 offering me Rs 200 as compensation in full of all demands on account of the trespass committed by the Public Works Officer and subordinates on my property of West Gate at Otacamund and also copy of my reply thereto accepting the Commissioner's offer. With reference to your remarks that a gate barrier is a necessary adjunct to the road to my land and which concerns me at least as much as any of the General Public, permit me to state that as a holder of property in Otacamund I have to contribute my share of taxes, in return for which amongst

amongst other benefits, I may fairly expect
that the public roads in my neighbourhood
may be kept in proper repair without my
being put to further inconvenience and
expense.

While appreciating fully the apology
tendered in your letter now under reply,
I may observe that were the principle on
which it is proposed to take possession of
the land invariably adopted, it is evident
that a public road might be constructed
under the very windows of any persons
house without any reference to them and
to their great inconvenience by the order
of Government and that only compensation
they would be entitled to receive would
be at the rate of Rspees 200 per acre
and 15% in addition in account of the
forced nature of the transaction.

I may also state that in the first
instance, it being believed that the road
up to my house was a public road,
I was offered the right of way as a
compensation for the trespass, not to
make this road alone, not to mention
the purchase of the land for the purpose,
which would

would have cost me at the very least
Rspees 500. By a reference to my title
deeds however I proved that the road
was a private one and part of my property.

I have therefore the honour to
request that the compensation I was
entitled to respect by the Commission if the
Nizghornes would be granted me as
Rspees 200, in full of all demands
may be allowed by the Government.

I have the honour to be,

Yrs. &c.

Sir,

Your most obt. Servant,

W. W. Robertson

I have the honour to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed road up to my house. I am sorry to hear that you were not satisfied with the offer made to you. I am sorry to hear that you were not satisfied with the offer made to you. I am sorry to hear that you were not satisfied with the offer made to you.

No. 221 by - W. 1876 Delat.

No. 2475

Recd 26 May/76

From

The Honble Lieut. W. Arbutnot

Chdugr No. 670 of 8.4.76

Dated 4 April 1876

Recd 2.11

Requesting that the Compensation (Rs. 200) offered by the Comtee. of Nilgiris on account of trespass committed by P. W. Officers on his property at Doty may be allowed by Govt.

No. 1177 -
No. 1177 -

Recd 22/5/76
Cii-17.8.76 Dated 22/5/76
A. H. Shult 26 Apr

COMMISSIONER'S OFFICE.

Obtained, 5 April 1876.

No. 22

From

J. P. Tuckerell Esq
COMMISSIONER NILGIRIS.

To

The Secretary to Government
Public Works Department
Fort. St. George

SIR

With reference to your Memo. No. 551 of 27 March 1876 requesting me to submit for the information of Government the original Putta or grant of the Westlake property, I have the honor to state that this office does not possess the Document

2. When Westlake was resurveyed in 1871, the resurvey must have been in the old Putta, as this is the regular course. The resurvey area was recorded in my office and this is the entry in which your request is charged.

I have the honor to be
Your most obedt servt

W. C. M. M.
Commissioner

SUBJECT.
Latterday from the
revenue (P. 22) &
present of the Settlement
partially is not in
the office

Enclosures.
Change to 6/10/18. 4. 76

To
The Settlements to the
P. M. (P. 22)

Commissioner's Office,
Ootacamund.

No. 22. 1876. 25/7
Date 5. April 1876
Recd. 8.

Memorandum no 839 of 12 Jan 1876

No 47713 -
No 47713 -
Rec. P. C. 23/7/76
C. C. 12-5-76
22/8/76
Shew. 26 Nov

Public Works Department

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the

Read the following :-

Read again
Letter from the Commissioner P. M. No 644 of 21/7/76
of the Suburban Mills
Letter to Sir H. H. Arthur and Bart. 22-31
Read the following 1/7/76
From D. D. (P. M. No 444 of 21/7/76)
From Commissioner P. M. No 22
From the Ag Collector Madras } (P. M. No 153 of 11/7/76)

Letter from J. R. Cockerell Esq.
Commissioner of the Public Works
Colonial dated 9 March 1876 No 16.
is for Orders and copies sent

Sir W. Arbuthnot demands
as 500 Rs but consents to receive
200 Rs in compensation for a trespass
perhaps on his property by the D.P.W.
in cutting a catchment drain without
his permission, & for the disfigurement
of the catchment drain itself.
The D.P.W. maintain there was
no trespass. Lady Arbuthnot having
been obliged to & granted permission
2nd That the work was opening 2nd To refer Sir W. Arbuthnot
to a court of law.
3rd To pay the 200 Rs which he
is willing to take.
I think Sir W. Arbuthnot's
demand for compensation for
a doubtful trespass unreasonable
a note from Lady Arbuthnot to
any official could have stopped
the work. — I do not think
there was any intention of trespass
I do not advise to refer Sir W. Arbuthnot to
a legal remedy. M

Cir. 17-5-76 Vtd 22/8/76
O. J. Sheel. Lb. Man

Op 24/5
Cn 25/77

No 670

Memorandum

The Secretary to Government in the Public Works Dept has the honor to ask the Collector of Madras to be so good as to inform him, whether the original "Patta" of Westlake, Adlacanum an estate in the possession of Sir H. R. Arbuthnot, Bart. and formerly the property of the Bombay Government being known as "Gradation Hall" is in his Register of Grants, and if so, Mr. Arbuthnot would request the Collector to forward it for the information of Government.

Sd/- W. Mather

For Mr. George
8 April 1873

To the Collector of
Madras

Antiquary's note

Does the policy of
Establishing such a precedent
There always had been a public
Catch water or guard drain
on the Hill side / Col. Shaw
Stewart's evidence goes far
back & it was the duty of the
Mr. Spens & others to help it
open. This was all that
was done so admit-like
trespass or claim & compensation
or establish a fatal precedent
This work was done
written by Colkerell & Sir W. A.
alleged that there was no
pre-existing trace of a guard
drain B. J. M.

I wish to see the map
Survey referred to & to
know date of junction by
S. H. R. of land in question
also what law there is in force
requiring a public way
Can 14-3-76

No 554.

Memorandum.

April 1876.
Nilgheries

The Secretary to Government has No 753
present Public Works Department
has the honor to request the
Commissioners of the Nilgheries
with reference to his report

No 18 of the 19th March, to send
-put for the information of
Government the original Putta
or Grant of the West lake
property.

Signed J. H. Walker Major Genl R.E.
Secretary to Govt P.W.D.

East St George
27 March 1876.

To
The Commissioners
of the Nilgheries

Letter from Sir W. Arbuthnot of 4th April 1876.
 — " — the Commissioner of the Nilgheries
 No 22 of 5th April 1876.
 — " — the Collector of Madras No 753
 of 11th May 1876.

FOR ORDERS.

Major Genl R.E.

Secretary to Govt P.W.D.

The last letter of Sir W. Arbuthnot
 has not facilitated
 a settlement. I fear
 there was no doubt an
 act of trespass committed.

The Com^r of the N. has
 practically decided
 the amount payable
 in the land record.
 Unless Sir W. B. accepts

A pretty little creticle
 thing. I think.

the apology and
the restoration of the
surface by filling in
the catchment drain
I see no alternative
but to pay the 200 -
in the second -
the boundary status being
set back by agreement
to the new line -

I see no advantage
in the proposed purchase
of a wider yard back
beyond the drain - nor
do I see any object - then

Prof. 12/5

I don't pay the 200 -
I have done so
in the matter

Wed 22/5

As I understand it, Sir W
does not give up an inch
of ground & the 200 are well
as damages & he is
not.

Mr. Commins is not
to try to avoid as far
as possible the
mission of a
Sir F. & his friends
at last

FOR ORDERS.

W. J.

1797-
3585

2117
2577

Nothing else

*D. E. Milghamie } with letter
Rev. Dept.*

N^o 1327.

*Ordered that the following
letter be sent:-*

N^o 1328.

1/26 May 76

To

Sir W. W. Arbuthnot. Bart.

Hi,

*I am directed by
His Grace the Governor in
Council to acknowledge
your letter enclosing one
from the Commissioner of
the Reilyheries; by which
it appears that that Offi-
cial had, however unauthori-
zingly, made you a higher
offer of compensation for
the land severed from
your property of Westlake
than that which I was
authorized to make in
my letter No. 221 of 31
March. Under these cir-
cumstances, I have no*

His Excellency
the Governor in Council,
is pleased to confirm the
proceedings of the Com.
Commissioners; and the Dis.
trust Engineer is instructed
to pay you the sum of
Rs. 200 accepted by you.
~~On receipt whereof it is~~
~~presumed that you will~~
have no objection to the
fresh demarcation of
the boundary; so as to
exclude it from your
property, and admit of
the check drain being
permanently kept
open for the proper
maintenance of the
road below.

His Excellency the Govt. in
Council trusts that under
this arrangement you

Amr

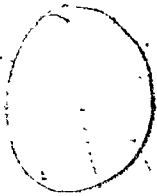
to all

Imp. d. 24/8/76.

3585
2875 (11)

Col. of 1870

PUBLIC WORKS.



G. D. 26 May 1870 No. 132741328

Recd 475-477
478

Compensation for land
severed from the Westlake
property - Neilsherry 8th

Confirming the offer
made by the Commission
to Sir W. H. Arbutnot Bart
as —

Intimating the con-
firmation of the
offer made by the
Commissioners of the
Railways as com-
pensation for land
severed from the
Westlake property -