Ro 1805 W a/6th July/87

Communicated to the Supg: Engineer IV Circle in continuation of G. O. No. 1998 W a/ 10th August 1886.

Ist Lost

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Govt. of {1887} Madras.

REVENUE.

Issued

Recd. Encl.

G.O., 2nd June 1887, No. 531.

Ro 1805 W a/6th July/87

JUNE.

Supg. Engr IV Circle

Mr. Cowdell's property and the Ootacamund water-works.

Accepting the terms mentioned by the Collector with regard to the construction of a duct through Mr. Cowdell's lands in connection with the Ootacamund water-supply project, and ordering the grant of the land applied for by Mr. Cowdell on an assessment of 8 annas per acre.

With order

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 8th February 1887, Mis. No. 886 :—

Read—the following letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to the Board of Revenue, dated Ootacamund, 27th January 1887, No. 30 :—

In G.O., dated 8th June 1886, No. 442, Revenue, communicated with Board's Resolution, dated 28th idem, Mis. No. 4786, Government sanctioned the allotment to Mr. Cowdell of a piece of land in the Ootacamund village at Rs. 2 per acre on the "condition that he enters into a duly-drawn agreement to surrender to Government without compensation of any description a strip of the land granted to him, and of any land now in his holding not less than 15 feet wide throughout, should they require it at any future time for the Ootacamund water-supply project, and further to permit the officers of Government, or any one authorised by them, to enter, whenever they deem fit, upon the land assigned to him, and select, survey and mark out, and occupy the strip of ground required."

2. These terms were intimated to Mr. Cowdell in August 1886, and he was requested to send a draft agreement for appreval and execution before the land is made over to him. Mr. Cowdell at first replied that he could not accept the proposals which, he said, were very indefinite, and that the concession, as worded, was out of all proportion to the grant proposed in his case. He then wrote to ask that his application for the land may be allowed to remain in abeyance till the water-supply project assumed a more definite form and the exact line of the duct was determined upon.

3. It was mentioned to me by Mr. Cowdell at a personal interview since, that the Public Works Department had offered him certain terms for carrying the duct through his property and that he had accepted them ; but of this I had no intimation from the Executive Engineer. I therefore, at once, wrote to this officer to draw his attention to the terms of the Government order which I asked him to bear in mind, should any portion of Mr. Cowdell's property be required for the water-supply scheme. No arrangement having apparently been made, the Executive Engineer at Mr. Cowdell's suggestion desired a personal conference for the settlement of the question, and a meeting was accordingly held on the 14th instant in my office. I enclose a copy of the terms arranged.

4. The duct proposed to be constructed will not pass through any portion of the land applied for by Mr. Cowdell as imagined. It will be observed from the enclosure that he desires compensation in money for all trees removed or injured at Rs. 2 per tree, cinchona and ornamental, standing on settlement No. C-1—104, and at 1 rupee per tree on settlement No. C-97 ; and he claims the land applied for originally at an annual assessment of 8 annas per acre as compensation for the easement granted over his other lands.

5. The works are being carried out by the Government in the Public Works Department and consequently the provisions of the Municipal Act do not apply to this case. Section 146 of the Act empowers the Municipal Council to lay down pipes for the water-supply "under any building or through any cellar or vault, or into, through or under any enclosed or other land whatsoever," and shall give reasonable notice to proprietors of their intention and pay reasonable compensation for so dealing with the property.

6. The track of the proposed water-channel passes within a few feet of the front of Mr. Cowdell's dwelling-house through his garden. As the house is at a lower level than the channel, the Executive Engineer has agreed, subject to confirmation to lay a

pipe in this portion of Mr. Cowdell's property instead of building a masonry duct, which being above the house might cause injury to it by damp; but through the rest of the land the duct will be of masonry as orginally proposed.

7. Having regard to the provision of the Municipal Act under which reasonable compensation can be claimed, and bearing in mind that the Public Works Department have no authority under the Act, and that Mr. Cowdell, if he chooses to be obstructive, can materially delay the work, and as the land which it is proposed to give Mr. Cowdell is only a grassy hill-top much exposed and assessable under ordinary rule at 8 annas per acre only, I beg to recommend that Government may be moved to sanction the proposals embodied in the enclosure to this letter in modification of the terms sanctioned in G.O., dated 8th June 1886, No. 442, Revenue.

ENCLOSURE.

TERMS arranged at a meeting held on the 14th instant.

Present:

A. S. COWDELL, Esq.
W. B. DEWINTON, Esq.
L. R. BURROWS, Esq.

It was agreed that an iron-pipe should be laid across C-104 between Mr. Cowdell's house and the road, and that compensation in money should be paid for all trees removed or injured at Rs. 2 per tree, cinchona and ornamental.

2. Across 97-C a masonry duct may be constructed on condition that money compensation be paid for trees at 1 rupee per tree removed.

3. That in future no trees are to be planted within 15 feet of the masonry duct on either side; but there is no objection to ordinary garden cultivation being carried on.

4. With reference to G.O., dated 8th June 1886, No. 442, Revenue, Mr. Cowdell says that he is not willing to accept the land referred to therein at Rs. 2 per acre even if it were offered *gratis*; but that he will accept it as compensation for the easement granted over his other lands if assessed at 8 annas per acre.

5. Mr. Cowdell will be allowed to remove the trees on their being pointed out.

6. The earth will be deposited in places pointed out by Mr. Cowdell which are reasonably convenient and the work to be carried out so as to cause the least possible inconvenience. In passing the Mission school-house the duct to be so constructed as shall prevent any injury being caused to the building through damp.

(True Copy.)

(Signed) L. R. BURROWS,
Collector.

Resolution—dated 8th February 1887, Mis. No. 886.

Submitted to Government.

2. The Board support the Collector's proposal.

3. Provision should also be made, as in the originally proposed agreement, for liberty to inspect and repair in all future time.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter and enclosure in original to be returned.
„ the Collector of Nilgiris.

READ—also Proceedings of the Board of Revenue, dated 12th March 1887, Mis. No. 1714:—

ABSTRACT.—Submitting to Government letter from the Collector of Nilgiris requesting early orders on his letter regarding the terms arranged with Mr. A. S. Cowdell in connection with water-supply scheme.

READ—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to Government, Revenue Department, dated Ootacamund, 17th May 1887, No. 25:—

In reply to official memorandum, dated 9th March 1887, No. 70, from the Revenue Secretary to Government, and to reminder, dated 9th instant, No. 61-R., I have the honor to forward a copy of the reply of Mr. Cowdell to the queries contained in paragraph 1 of the memorandum.

2. Mr. Cowdell's reply is not explicit and his suggestion that the Municipalities Act contains provisions which suffice for the requirements of the public authority entrusted with the care of the water-works seems to be borne out by a reference to section 274 of the Act, which seems to contain provision for entry upon premises to examine municipal pipes laid across or under private land.

3. I beg to forward a plan of Mr. Cowdell's property, Norview, showing the line of pipes which it is necessary to lay across it.

The red-dotted line is an 18-inch pipe, 150 feet long, for conveying the water from Snowdon to the reservoir at Marlimund.

The blue-dotted line is an 11-inch pipe which conveys the water from Marlimund reservoir to the new service reservoir in construction below Snowdon house. The pipe is 170 feet long.

4. Both pipes will be laid considerably below the surface and except when being laid will not in any way affect the property injuriously. The amount of compensation could not be large if the work were done under section 146 of the Municipalities Act. The Executive Engineer has submitted a compensation statement in which it is shown that it will be necessary to remove 63 trees along the line A.B., consisting of 2 blue-gums, 12 acacia, 48 cinchona and 1 cedar trees, valued in all at Rs. 126.

Along the line C.D., 14 trees (all blue-gums) will have to be removed. These are valued at Rs. 14-4-0, but under the terms arranged at a meeting held in January 1887, Mr. Cowdell was promised a rate of Rs. 2 per tree in his compound and this would bring the cost to Rs. 28.

5. In field No. C-97, there are 92 trees consisting of blue-gums, acacia and wattle, valued in all at Rs. 92. The Executive Engineer is doubtful whether any portion of C-97 will be required for the duct as the demarcation stones could not be traced. A surveyor has recently been deputed to refix the stones in their original places.

6. I anticipate considerable difficulty in acquiring just sufficient lands through Mr. Cowdell's holdings under Act X of 1870 (The Land Acquisition Act), if the provisions thereof be enforced as contemplated in paragraph 2 of the official memorandum under reply. The water-works will intersect the compound, and the margin of 15 feet on either side of the line required in order to prevent planting, will extend to very near the house in which Mr. Cowdell lives in the case of field No. C-104 and will include a portion of the school building erected on C-97. Mr. Cowdell can therefore reasonably contend in case Act X of 1870 were applied that the whole property should be acquired under section 55 of the Act, and the compensation payable in that event would be considerable. The Norview house and compound may be estimated to be worth about 8 to Rs. 10,000, and the school building and compound at about a couple of thousands more—altogether making Rs. 12,000.

7. The arrangements proposed, which have been submitted for the sanction of Government, seem to be on the whole the least expensive and the best that can be made under the circumstances of the case.

8. I beg early orders in the matter as Mr. Cowdell refuses to permit the work to be carried on, so far as his properties are concerned, until the question of compensation is settled.

9. If the provisions of section 146 of the Municipal Act were put in force by causing the Chairman, Ootacamund Municipal Council, to serve the required notice on Mr. Cowdell, the work could be proceeded with at once, and reasonable compensation might in due course be ascertained and tendered, Mr. Cowdell being left, if not satisfied with the amount, to seek his remedy by recourse to a civil action. In case this suggestion be adopted, it would be necessary for Government to refer the whole case as between them and Mr. Cowdell to the Municipal Council, requesting the latter

to take action under section 146 and to fix reasonable compensation which Government would undertake to pay.

ENCLOSURE.

From A. S. COWDELL, Esq., to the Collector of Nílgiris, dated Ootacamund, 21st March 1887.

I have the honor to acknowledge receipt of your letter No. 517, dated 17th instant.

2. As I explained in my letter of the 25th August last, I am not willing to give any right which would interfere with the enjoyment or be regarded as a defect in the title.

3. I understood that iron-pipes would be laid through my compound so as to avoid the necessity of keeping the track clear of trees, &c. As a sump is, I am told, to be constructed on either side of my compound, it can scarcely be at any time necessary to re-open the trench for examination of pipes; but from what the Sub-Engineer informs me, I understand the cutting will be a large and deep one, and if so, a future owner would naturally be much annoyed at such a work being carried out without reference to him. It will, I think, be best to leave the matter to be dealt with under section 146 of Madras Act (No. IV of 1884) for the future.

4. The Executive Engineer informed me that he would probably be able to carry the duct within the road reserve along C-97.

5. I have, however, just received a notice from the Sub-Engineer asking me to remove the trees to enable him to proceed with the construction of the duct so that interference with my property seems unavoidable, and the earth taken out must, I think, be deposited upon it. In any case a margin of 15 feet will have to be kept clear of trees and it matters little whether the duct is included within that space or not. The excavation of the trench immediately along the side of my house and across the carriage drive, the destruction of the grass and continual subsidence of the trench when filled in, and the work to be carried out and long strip of frontage to be kept clear in the cottage premises, will, I think, be ample for the present compensation.

ORDER—dated 2nd June 1887, No. 531, Revenue.

Land Revenue, No. 58.

The terms mentioned in the Collector's letter, dated 27th January 1887, No. 30, are accepted, and the land applied for by Mr. Cowdell will be made over to him on an assessment of 8 annas per acre.

2. With reference to paragraph 3 of the Board's Proceedings, dated 8th February 1887, No. 886, it is observed that when the water-works are completed, the Municipality will have the power to enter upon the land for purposes of examination, &c., under the provisions of the District Municipalities Act.

(True Extract.)

Ag. Secretary to Government.

To the Commissioners of Land Revenue.
„ the Public Works Department.
„ the Local and Municipal Department.
Copy to the Collector of Nílgiris, with map returned.

Exd. W. H. French.

80 Copies.

Gobt. of {1887} Madras.

REVENUE.

Issued

Recd. 29.6.87 Encl.

G.O., 2nd June 1887, No. 531.

JUNE.

Mr. Cowdell's property and the Ootacamund water-works.

Accepting the terms mentioned by the Collector with regard to the construction of a duct through Mr. Cowdell's lands in connection with the Ootacamund water-supply project, and ordering the grant of the land applied for by Mr. Cowdell on an assessment of 8 annas per acre.

18th January 1884, No. 86, Revenue.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again G.O., dated 16th March 1881, No. 453, Revenue :—

Abstract.—Passing orders on Revenue Board's Proceedings submitting letter from Commissioner recording his opinion as to the way in which the settlement of lands on the Nílgiris should be conducted.

Order—dated 18th January 1884, No. 86, Revenue.

Land Revenue, No. 11.

In consequence of the small amount of available waste remaining in the settlements of Ootacamund, Coonoor, and Wellington, and in view of the probable requirements of Government, the Right Honorable the Governor in Council is pleased to direct that rules X and XVI of the Settlement Rules for the Nílgiri Hills shall be held inapplicable to the settlements above named, save in cases in which applications for settlement grants had been already registered, and that in the latter cases no grant exceeding 10 acres shall in any case be allowed, and none without special reference to the Collector. He further directs that no applications for the sale of such land under the Waste Land Rules within the said settlements shall be entertained without the previous sanction of Government obtained on a special recommendation of the Collector in the first instance.

(True Extract.)

(Signed) H. E. STOKES,
Secretary to Government.

To the Director of Revenue Settlement and Agriculture.
" Board of Revenue.
" Collector of Nílgiris.
" Public Works Department.

Exd. J. Henricus.

70 Copies.

Order thereon No 506 Wa/ 22nd Feby/84

Recorded

(True extract)

19/1/84

Govt. of {1884} Madras.

REVENUE.

Issued

Recd. *Encl.*

G.O., 18th January 1884, No. 86.

No 506 Wa/ 22-2-84

JANUARY.

Rules for the Settlement of Lands on the Nilgiri Hills.

Declaring that rules X and XVI be held inapplicable to the settlements of Ootacamund, Coonoor and Wellington, save in certain cases, and issuing instructions in regard to the disposal of applications for grants of waste lands in those settlements.

S.E. IV circle

with order

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 16th March 1886, Mis. No. 2000 :—

Read—the following letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to the Board of Revenue, dated 19th February 1886, No. 45, and reference thereon, dated 25th February 1886 :—

With reference to Board's Proceedings, Mis. No. 11089, dated 15th December last, I have the honor to submit that the $3\frac{1}{4}$ acres of land recommended for grant to Mr. Cowdell, lie near "Snowdon house" and are quite distinct from the land lately claimed by Mr. Cowdell near St. Stephen's church.

The Collector is requested to furnish the Board with a colored sketch showing clearly the situation of the land, the grant of which to Mr. Cowdell was previously refused, and also of that the assignment of which as a settlement grant the Collector now recommends.

(Signed) C. F. MACCARTIE,
Acting Secretary.

Read—also the following letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to the Board of Revenue, dated 2nd March 1886, No. 58 :—

With reference to Board's reference, dated 25th ultimo, on General Register No. 821, I have the honor to enclose two sheets of the Ootacamund settlement map (to be returned).

2. On sheet IV, square IV, is marked in blue pencil the land adjoining St. Stephen's church on the east, to which Mr. Cowdell preferred claims of ownership, which was repudiated in the correspondence ending with Board's Proceedings, Mis. No. 1247, dated 9th February 1885. Mr. Cowdell has since surrendered this land to Government and no application for the grant of it to Mr. Cowdell or any one else was ever made to the Board and refused.

3. On sheet IV, square III, is marked in red pencil the piece of land near Snowdon house about $3\frac{1}{4}$ acres in extent, the grant or sale of which was recommended in this office letter No. 307, dated 3rd December 1885.

Resolution—dated 16th March 1886, Mis. No. 2000.

Forwarded for the orders of Government with reference to G.O., dated 18th January 1884, No. 86, Revenue.

2. The land now applied for by Mr. Cowdell cannot be granted under the settlement rules as the application for the settlement grant had not been put forward and registered prior to the date of the above-quoted Government order.

3. The question whether the land shall be sold under the waste land rules has now to be decided.

(True Copies and Extract.)

(Signed) C. F. MACCARTIE,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with two maps and one enclosure in G.R. No. 6583
of 1885 to be returned, and copy of Board's Proceedings,
dated 15th December 1885, Mis. No. 11089.

Copy to the Collector of Nílgiris.

ENCLOSURE.

Proceedings of the Board of Revenue, dated 15th December 1885, Mis. 11089.

Read—letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to the Board of Revenue, dated 1st December 1885, No. 307.

I have the honor to forward a tracing of a portion of C-99 in the Ootacamund settlement measuring about 3¼ acres Government waste, which Mr. A. S. Cowdell is desirous of obtaining as it adjoins his property.

2. I see no objection to Mr. Cowdell being allowed this portion as a settlement grant at Rs. 2 per acre. I beg to refer to the Proceedings of the Board of Revenue, dated 9th February 1885, Mis. No. 1247, and to report that Mr. Cowdell has given up the land in dispute. The Executive Engineer to whom a reference has been made as to whether the land applied for by Mr. Cowdell is required for any public purposes reports that it will not be required in connection with the proposed water-works extension scheme, but that a space of about 15 feet adjoining the Snowdon road may be so required. If the Government are pleased to sanction the transfer of this land to Mr. Cowdell as a settlement grant at Rs. 2 per acre, I recommend that it be given conditionally on his allowing any small portion of his present property adjoining the road which may be required for laying the main pipe, to be taken by Government without compensation.

3. If the Government, however, are not disposed to give the land as a settlement grant, I request orders under G.O., dated 18th January 1884, No. 86, Revenue, as to whether I may have the land put up under the waste land rules. In the latter case the assessment will be only 8 annas an acre. I think the former alternative will be the most profitable to Government, as it is unlikely that there will be any very keen competition for the land at auction.

Resolution—dated 15th December 1885, Mis. No. 11089.

Mr. Cowdell's present application is manifestly merely an alternative mode of acquiring land, the possession of which has been very lately decidedly refused to him. The Board decline to recommend its grant to the petitioner.

(A true Copy and Extract.)

(Signed) C. F. MACCARTIE,
Acting Secretary.

To the Collector of Nílgiris.

READ—also the following letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to Government, Revenue Department, dated Ootacamund, 12th May 1886, No. 27 :—

With reference to your demi-official forwarding a section of the survey plan of Ootacamund for the purpose of having the proposed pipe-track of the projected Ootacamund water-works laid upon it, I have the honor to return the plan with the required addition, and also a copy of a letter from the Executive Engineer, Nílgiri division, on the subject.

ENCLOSURE.

Letter from Major A. C. SMITH, R.E., Executive Engineer, Nílgiri Division, to the Collector of Nílgiris, dated Ootacamund, 7th May 1886, No. 354.

With reference to your demi-official, dated 26th April 1886, I have the honor to return the map duly noting the line of piping near Mr. Cowdell's lands.

2. The present proposal is to take the lines as noted in red, but eventually the line may be taken as dotted in blue passing through Mr. Cowdell's land, and in such case an agreement should be made with Mr. Cowdell before granting him the land applied for, that in the event of the water-supply being executed there would be no objection raised or compensation demanded for the laying in of pipes, &c., on any of his land. On these conditions the new land may be allotted to Mr. Cowdell.

ORDER—dated 8th June 1886, No. 442, Revenue.

Land Revenue, No. 34.

His Excellency the Governor in Council resolves to authorize the assignment to Mr. Cowdell of the land applied for by him, at the rate of Rs. 2 per acre, as a special case and on the express condition that he enters into a duly-drawn agreement to surrender to Government, without compensation of any description, a strip of the land granted to him and of any land now in his holding not less than 15 feet wide throughout, should they require it at any future time for the Ootacamund water-supply project, and further to permit the officers of Government, or any one authorized by them, to enter, whenever they may deem fit, upon the land assigned to him, and select, survey and mark out and occupy the strip of ground required.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue, with three enclosures returned.
,, the Public Works Department.

Exd. W. H. French.

70 Copies.

B. No. 1998 dy 10 August/86.

Communicated to the Supty. Engineer IV Circle.

Sgnd J. D. D.

Govt. of {1886} Madras.

REVENUE.

Issued

Recd. *Encl.*

G.O., 8th June 1886, No. 442.

JUNE.

S. E. IV Circle

Land in Ootacamund

applied for by Mr. Cowdell, ordered to be granted as a special case and on certain condition.

Withdrawn

2ND JUNE 1887, No. 531, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 8th February 1887, Mis. No. 886 :—

Read—the following letter from L. R. BURROWS, Esq., Collector of Nílgiris, to the Secretary to the Board of Revenue, dated Ootacamund, 27th January 1887, No. 30 :—

In G.O., dated 8th June 1886, No. 442, Revenue, communicated with Board's Resolution, dated 28th idem, Mis. No. 4786, Government sanctioned the allotment to Mr. Cowdell of a piece of land in the Ootacamund village at Rs. 2 per acre on the "condition that he enters into a duly-drawn agreement to surrender to Government without compensation of any description a strip of the land granted to him, and of any land now in his holding not less than 15 feet wide throughout, should they require it at any future time for the Ootacamund water-supply project, and further to permit the officers of Government, or any one authorised by them, to enter, whenever they deem fit, upon the land assigned to him, and select, survey and mark out, and occupy the strip of ground required."

2. These terms were intimated to Mr. Cowdell in August 1886, and he was requested to send a draft agreement for appreval and execution before the land is made over to him. Mr. Cowdell at first replied that he could not accept the proposals which, he said, were very indefinite, and that the concession, as worded, was out of all proportion to the grant proposed in his case. He then wrote to ask that his application for the land may be allowed to remain in abeyance till the water-supply project assumed a more definite form and the exact line of the duct was determined upon.

3. It was mentioned to me by Mr. Cowdell at a personal interview since, that the Public Works Department had offered him certain terms for carrying the duct through his property and that he had accepted them ; but of this I had no intimation from the Executive Engineer. I therefore, at once, wrote to this officer to draw his attention to the terms of the Government order which I asked him to bear in mind, should any portion of Mr. Cowdell's property be required for the water-supply scheme. No arrangement having apparently been made, the Executive Engineer at Mr. Cowdell's suggestion desired a personal conference for the settlement of the question, and a meeting was accordingly held on the 14th instant in my office. I enclose a copy of the terms arranged.

4. The duct proposed to be constructed will not pass through any portion of the land applied for by Mr. Cowdell as imagined. It will be observed from the enclosure that he desires compensation in money for all trees removed or injured at Rs. 2 per tree, cinchona and ornamental, standing on settlement No. C-1—104, and at 1 rupee per tree on settlement No. C-97 ; and he claims the land applied for originally at an annual assessment of 8 annas per acre as compensation for the easement granted over his other lands.

5. The works are being carried out by the Government in the Public Works Department and consequently the provisions of the Municipal Act do not apply to this case. Section 146 of the Act empowers the Municipal Council to lay down pipes for the water-supply "under any building or through any cellar or vault, or into, through or under any enclosed or other land whatsoever," and shall give reasonable notice to proprietors of their intention and pay reasonable compensation for so dealing with the property.

6. The track of the proposed water-channel passes within a few feet of the front of Mr. Cowdell's dwelling-house through his garden. As the house is at a lower level than the channel, the Executive Engineer has agreed, subject to confirmation to lay a

pipe in this portion of Mr. Cowdell's property instead of building a masonry duct, which being above the house might cause injury to it by damp; but through the rest of the land the duct will be of masonry as orginally proposed.

7. Having regard to the provision of the Municipal Act under which reasonable compensation can be claimed, and bearing in mind that the Public Works Department have no authority under the Act, and that Mr. Cowdell, if he chooses to be obstructive, can materially delay the work, and as the land which it is proposed to give Mr. Cowdell is only a grassy hill-top much exposed and assessable under ordinary rule at 8 annas per acre only, I beg to recommend that Government may be moved to sanction the proposals embodied in the enclosure to this letter in modification of the terms sanctioned in G.O., dated 8th June 1886, No. 442, Revenue.

ENCLOSURE.

TERMS arranged at a meeting held on the 14th instant.

Present:

A. S. COWDELL, Esq.
W. B. DEWINTON, Esq.
L. R. BURROWS, Esq.

It was agreed that an iron-pipe should be laid across C-104 between Mr. Cowdell's house and the road, and that compensation in money should be paid for all trees removed or injured at Rs. 2 per tree, cinchona and ornamental.

2. Across 97-C a masonry duct may be constructed on condition that money compensation be paid for trees at 1 rupee per tree removed.

3. That in future no trees are to be planted within 15 feet of the masonry duct on either side; but there is no objection to ordinary garden cultivation being carried on.

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6. The earth will be deposited in places pointed out by Mr. Cowdell which are reasonably convenient and the work to be carried out so as to cause the least possible inconvenience. In passing the Mission school-house the duct to be so constructed as shall prevent any injury being caused to the building through damp.

(True Copy.)

(Signed) L. R. BURROWS,
Collector.

Resolution—dated 8th February 1887, Mis. No. 886.

Submitted to Government.

2. The Board support the Collector's proposal.

3. Provision should also be made, as in the originally proposed agreement, for liberty to inspect and repair in all future time.

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with letter and enclosure in original to be returned.
„ the Collector of Nílgiris.

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2. Mr. Cowdell's reply is not explicit and his suggestion that the Municipalities Act contains provisions which suffice for the requirements of the public authority entrusted with the care of the water-works seems to be borne out by a reference to section 274 of the Act, which seems to contain provision for entry upon premises to examine municipal pipes laid across or under private land.

3. I beg to forward a plan of Mr. Cowdell's property, Norview, showing the line of pipes which it is necessary to lay across it.

The red-dotted line is an 18-inch pipe, 150 feet long, for conveying the water from Snowdon to the reservoir at Marlimund.

The blue-dotted line is an 11-inch pipe which conveys the water from Marlimund reservoir to the new service reservoir in construction below Snowdon house. The pipe is 170 feet long.

4. Both pipes will be laid considerably below the surface and except when being laid will not in any way affect the property injuriously. The amount of compensation could not be large if the work were done under section 146 of the Municipalities Act. The Executive Engineer has submitted a compensation statement in which it is shown that it will be necessary to remove 63 trees along the line A.B., consisting of 2 blue-gums, 12 acacia, 48 cinchona and 1 cedar trees, valued in all at Rs. 126.

Along the line C.D., 14 trees (all blue-gums) will have to be removed. These are valued at Rs. 14-4-0, but under the terms arranged at a meeting held in January 1887, Mr. Cowdell was promised a rate of Rs. 2 per tree in his compound and this would bring the cost to Rs. 28.

5. In field No. C-97, there are 92 trees consisting of blue-gums, acacia and wattle, valued in all at Rs. 92. The Executive Engineer is doubtful whether any portion of C-97 will be required for the duct as the demarcation stones could not be traced. A surveyor has recently been deputed to refix the stones in their original places.

6. I anticipate considerable difficulty in acquiring just sufficient lands through Mr. Cowdell's holdings under Act X of 1870 (The Land Acquisition Act), if the provisions thereof be enforced as contemplated in paragraph 2 of the official memorandum under reply. The water-works will intersect the compound, and the margin of 15 feet on either side of the line required in order to prevent planting, will extend to very near the house in which Mr. Cowdell lives in the case of field No. C-104 and will include a portion of the school building erected on C-97. Mr. Cowdell can therefore reasonably contend in case Act X of 1870 were applied that the whole property should be acquired under section 55 of the Act, and the compensation payable in that event would be considerable. The Norview house and compound may be estimated to be worth about 8 to Rs. 10,000, and the school building and compound at about a couple of thousands more—altogether making Rs. 12,000.

7. The arrangements proposed, which have been submitted for the sanction of Government, seem to be on the whole the least expensive and the best that can be made under the circumstances of the case.

8. I beg early orders in the matter as Mr. Cowdell refuses to permit the work to be carried on, so far as his properties are concerned, until the question of compensation is settled.

9. If the provisions of section 146 of the Municipal Act were put in force by causing the Chairman, Ootacamund Municipal Council, to serve the required notice on Mr. Cowdell, the work could be proceeded with at once, and reasonable compensation might in due course be ascertained and tendered, Mr. Cowdell being left, if not satisfied with the amount, to seek his remedy by recourse to a civil action. In case this suggestion be adopted, it would be necessary for Government to refer the whole case as between them and Mr. Cowdell to the Municipal Council, requesting the latter

to take action under section 146 and to fix reasonable compensation which Government would undertake to pay.

ENCLOSURE.

From A. S. COWDELL, Esq., to the Collector of Nílgiris, dated Ootacamund, 21st March 1887.

I have the honor to acknowledge receipt of your letter No. 517, dated 17th instant.

2. As I explained in my letter of the 25th August last, I am not willing to give any right which would interfere with the enjoyment or be regarded as a defect in the title.

3. I understood that iron-pipes would be laid through my compound so as to avoid the necessity of keeping the track clear of trees, &c. As a sump is, I am told, to be constructed on either side of my compound, it can scarcely be at any time necessary to re-open the trench for examination of pipes; but from what the Sub-Engineer informs me, I understand the cutting will be a large and deep one, and if so, a future owner would naturally be much annoyed at such a work being carried out without reference to him. It will, I think, be best to leave the matter to be dealt with under section 146 of Madras Act (No. IV of 1884) for the future.

4. The Executive Engineer informed me that he would probably be able to carry the duct within the road reserve along C-97.

5. I have, however, just received a notice from the Sub-Engineer asking me to remove the trees to enable him to proceed with the construction of the duct so that interference with my property seems unavoidable, and the earth taken out must, I think, be deposited upon it. In any case a margin of 15 feet will have to be kept clear of trees and it matters little whether the duct is included within that space or not. The excavation of the trench immediately along the side of my house and across the carriage drive, the destruction of the grass and continual subsidence of the trench when filled in, and the work to be carried out and long strip of frontage to be kept clear in the cottage premises, will, I think, be ample for the present compensation.

ORDER—dated 2nd June 1887, No. 531, Revenue.

Land Revenue, No. 58.

The terms mentioned in the Collector's letter, dated 27th January 1887, No. 30, are accepted, and the land applied for by Mr. Cowdell will be made over to him on an assessment of 8 annas per acre.

2. With reference to paragraph 3 of the Board's Proceedings, dated 8th February 1887, No. 886, it is observed that when the water-works are completed, the Municipality will have the power to enter upon the land for purposes of examination, &c., under the provisions of the District Municipalities Act.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.
„ the Public Works Department.
„ the Local and Municipal Department.
Copy to the Collector of Nílgiris, with map returned.

Exd. W. H. French.

80 Copies.