

- (1) பக்கங்களின் எண்ணிக்கை 6
 (2) புதுக்கித் திருப்பிய நாள் 20-10-90
 (3) ஆதாரங்குறிப்பவர் சுருக்கொப்பம் 10/10

தமிழ்நாடு ஆவணக் காப்பகம்.

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அரசாணை எண். 2782 அச்சகம்
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23RD SEPTEMBER 1890, No. 1411A M., LOCAL AND MUNICIPAL.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 1st September 1874, No. 1458, Financial.

ABSTRACT.—*Ootacamund Municipality*.—Certain land entrusted to the municipality for the purpose of planting, &c., with the right reserved to Government of resuming possession at any time free of any claim for compensation on the part of the municipality.

G.O., dated 23rd December 1882, No. 2023, Financial.

ABSTRACT.—Passing orders on letter from the Collector of the Nilgiris recommending the resumption by Government of the site of the A. B. C. ground, Ootacamund.

G.O., dated 7th September 1887, No. 892 M., Local and Municipal.

ABSTRACT.—Remarking that the action of the Municipal Council, Ootacamund, in expending on the Race-course project a portion of the Government contribution made for the improvement of the Hobart Park, is improper, and stating that no further grant will be made for any of the projects.

READ—also the following papers :—

From C. F. MACCARTIE, Esq., Acting Collector of Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 30th June 1890, No. 55.

In forwarding Resolution, dated 19th June 1890, of the Ootacamund Municipal Council, recommending the addition to the Race-course of part of the area now included within the fence which surrounds the A. B. C. Club, I have the honor to submit, for the information of Government, a short sketch of the history of the A. B. C., as gleaned from the records of this office and from Mr. Grigg's letter to me dated 17th instant, which is forwarded *in extenso*.

2. As described by Mr. Grigg, the present Club originated in an Archery Club which Mr. Brecks started in 1868 on the area west of the present pavilion with headquarters in a thatched pavilion long since disappeared but the site of which is marked by a willow tree that still exists. A croquet ground was also started on the site of the present pavilion and in this embryo state matters continued until Mr. Grigg's appointment as Assistant Commissioner of Nilgiris in 1872, shortly after which he conceived the idea of concentrating all games and amusements by developing the Archery Club into what is now known as a Gymkhana.

3. The old Archery Club agreed to accept the new constitution, and, inspired by Mr. Grigg, set itself to collect funds by means of a bazaar, by public subscriptions, and appeals to members for building a permanent Club-house or pavilion which was finished in 1875. The manner in which the undertaking was financed is described in Mr. Grigg's letter, which further argues the approval both of the Government and of the Ootacamund Municipal Council to the scheme, from the fact that two Governors gave pecuniary assistance, while the President, Ootacamund Municipal Council, took no exception to the building either while in progress or when completed.

4. Turning to the land, it will be seen from the terms of G.O., dated 1st September 1874, No. 1458, Financial Department, that, on the application of the Council, the whole of the land round the Upper lake, now known as the A. B. C.

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grounds and Hobart's Park, was entrusted to the municipality "to plant, improve and eventually to enclose the same," the Government reserving to itself the right of resuming possession at any time, free of any claim for compensation on the part of the municipality.

5. In 1882, the question of the exclusive occupancy of the pavilion and tennis-courts around it, which interfered with the projected Race-course, was urged on the Collector's notice by then Revenue Secretary to Government, and the Honorary Secretary of the A. B. C., Mr. Benson, in answer to the Collector, stated that the Club was founded in 1869 and that a wooden fence, around what was supposed to be Club property, was erected in 1878. Mr. Benson could show now authority sanctioning the erection of the pavilion and wooden fence.

6. Mr. Grigg practically confirms this admission, as he says: "the exact limits of the ground were never fixed by Government but they were just marked out by a plantation of gums in 1875 (planted by Mr. Grigg himself), by a rough fence in 1876, and, subsequently, by a better fence in 1878." The present fence is in a line with the gums planted by Mr. Grigg in 1875. So that the A. B. C. does not appear to have encroached much since 1875. On receipt of Mr. Benson's letter, the then Collector moved the Government to resume the A.B.C. ground, remove the fence and throw open the ground to the general public, but in G.O., dated 23rd December 1882, No. 2023, Financial Department, the Government, as then constituted, maintained that the A. B. C. had every right to the pavilion and enclosure, and remarked: "It was never intended that the Ootacamund Municipal Council should oust or control the A. B. C. Club which had long pre-occupied this portion of the ground. The members of the Club are tenants-at-will under the Government, who see no reason to doubt that the institution is managed under suitable rules."

7. Such being the facts of the case, it is clear that the Council has now nothing to do with the A. B. C. ground or pavilion. They belong to the members who are tenants-at-will direct under Government, so that if their holding is to be modified, the initiative must be taken by the Government and not by the municipality.

8. The question now is, can the Government require the A. B. C. Club to surrender its grounds, or a part thereof, for addition to the Race-course? The answer depends on the character of the understanding arrived at between the Government and the Club, but of this there is nothing on record, so far as the Club is concerned; but, so far as Government is concerned, it has conceded everything without any further reservation (*vide* the Government order quoted *supra*) than that the Club members are tenants-at-will. How far this declaration may be binding on the Club, I am not prepared to say; but this point is practically unimportant, as the majority of the present A. B. C. Committee, I believe, quite recognise the impolicy of a log-in-the-manger policy and are quite prepared to surrender the required area, provided the Club is compensated by the construction of fresh tennis-courts in an equally eligible position. About this there may be some little difficulty as though plenty of land is available for fresh courts west of the present pavilion, such courts will be deprived of the advantage which the present courts possess of being commanded by the pavilion and the shelter thus afforded to spectators. I have no doubt, however, that this difficulty can be overcome. The acquisition of these courts is really vital to the Race-course, and if it comes to the worst, the Government can order the Club to relinquish them at once, as it has no title; still, for the reasons forcibly urged by Mr. Grigg in the concluding portion of his letter, the Club is entitled to every consideration.

9. If the Government is prepared to make a substantial grant-in-aid for the improvement of the Hobart Park, which is a perfectly legitimate subject for the expenditure of public money, I would recommend the Council's alternative proposition for favorable consideration, viz., the appointment of a strong representative committee for the amalgamation of the A. B. C. and Gymkhana Club and for the eventual submission to Government of well-considered plans for the permanent improvement of the Hobart Park. At present every irresponsible member has a separate and distinct project running through his brain and it would be the committee's business to develop a matured scheme from these.

10. If funds can be made available, I would suggest the following improvements:—

- (1) The removal of the present dangerous turn at the Brewery road by including part of that road within the galloping track.
 - (2) Filling in a portion of the Upper lake at the turn into the straight.
 - (3) Draining the swampy portion opposite the A. B. C. by a sub-soil drain.
- Estimates for these projects are nearly ready.

11. If the Government could find the money for these works of public utility, a central Gymkhana Committee might then perhaps succeed in borrowing money from the Land Mortgage Bank to carry out further improvements (which would go far to place Ootacamund at the head of all Indian Hill-stations), such as the acquisition of about 3 acres of land called Framjee's land immediately over the mound which now does duty as a Race-stand, to be laid out in tennis-courts around a Gymkhana Club and Race-stand combined standing immediately over the Race-course, which I would divert to the area now occupied by the aforesaid mound—this by the way is municipal property—together with the area west thereof towards the Willow bund.

12. These proposals are quite practicable and only require money; it is also quite feasible to run the Race-course between the pavilion and the Brewery road, because on measurement I find that 6 feet can be deducted from the road and added to the Race-course, a compensatory addition of 5 feet being made to the road on the left hand, side looking towards the Willow bund, by covering and metalling the open drain under the Brewery wall.

13. I have only to add that the present position of the pavilion renders it useless as a Race-stand.

From C. F. MacCARTIE, Esq., Chairman, Ootacamund Municipal Council, to the Chief Secretary to Government (through the Collector of Nilgiris), dated Ootacamund, 18th August 1890, No. 627.

In continuation of my letter* No. 55, dated 30th June 1890, I have the honor to forward two estimates and plan for the permanent improvement of the Hobart Park which were approved by the Ootacamund Municipal Council at a meeting held on 24th July 1890—*vide* copy of resolution appended.

* Submitted as Collector.

2. The estimate, amounting to Rs. 6,500, provides for improving the Park by extending it on its north-east corner by throwing Etienne's road further back to the foot of Bombay Hill, and also for filling in the easternmost corner of the Upper lake by depositing therein about 4 lakhs of cubic feet of earthwork to be excavated in connection with the Park extension.

3. The second estimate, costing Rs. 2,150, provides for the better drainage of the Park by conducting the Elk Hill Brewery stream straight into the lake supply-channel. The present open channel converts the portion of the Park immediately opposite to the A. B. C. pavilion into a swamp during many months of the year.

4. As the Ootacamund Municipal Council has not the means of carrying out these projects, of which it entirely approves, it trusts that the Government will undertake the execution of what may fairly be characterised as public and permanent improvements to the Hobart Park.

No. 81.

Submitted.

OOTACAMUND,
18th August 1890.

(Signed) C. F. MacCARTIE,
Acting Collector.

ORDER--dated 23rd September 1890, No. 1411A M., Local and Municipal.

His Excellency the Governor in Council has had under consideration the papers read above, from which it appears that, in 1874, the Government waste land lying around the Upper lake between the Lower Bazaar road and the Lake road, was entrusted to the municipality to enable them to plant, improve and inclose the same, the Government reserving to itself the right of resuming possession, at any time, free from any claim of compensation on the part of the municipality. The area thus described would appear to include that occupied by the tennis-courts and the archery ground of the A. B. C. Club which is stated in G.O., of 23rd December 1882, No. 2023, to have been in existence previous to the issue of the order of 1874, entrusting this waste land, without any reservation, to the municipality.

2. In 1882, the Collector of the Nilgiris called upon the Secretary to the A. B. C. Club, to give his authority for fencing the land around the courts, to which the then Secretary replied, that the fence was around "what was considered to be in the occupation of the Club." In December 1882, another Collector investigated the matter, and reported that, "part of the land granted by the Government to the municipality for a specific purpose had been usurped by a clique, which had no title, and that no authority was extant giving it existence or location;" and the Collector, on behalf of the public, objected to the exclusive possession of the A. B. C. Club. The Government, however, were disposed then, as they are now, to take a different view of this question, and to treat the A. B. C. Club, whose existence and location has all along been tacitly recognized by the Government, and its officers, with every possible consideration. In their order of 23rd December 1882, the Government stated that the ground occupied by the A. B. C. Club had previously been in the occupation of the old Archery Club, many years before 1874, and that it was never intended that the municipality should oust or control the A. B. C. Club, which had long pre-occupied this portion of the ground. The order of the Government went on to say that the members of the Club were "tenants-at-will under the Government, who saw no reason to doubt that the institution was managed under suitable rules."

3. His Excellency in Council does not propose to discuss the correctness of this order, but it must be observed, that the waste land lying around the Upper lake was entrusted to the municipality in 1874, without any reservation whatever, and that there was nothing on record in 1882, when this order was passed, to show that the existence of the Club was officially recognized or that they had had any authority to inclose any portion of the Government waste land. It is quite sufficient, for the present purposes, to observe that it was affirmed in 1882 that the members of the Club were tenants-at-will under Government, a position which was expressly affirmed by Government order of 7th September 1887, No. 892, which lays down that the Hobart Park and the waste land adjoining it, without any reservation, be it observed, as regards the A. B. C. tennis-courts, are the absolute property of Government, who have reserved to themselves the right of resuming possession of it, at any time without compensation. The order goes on to say, "that the municipality themselves are only tenants-at-will and are responsible to Government, for the use made of the land." It will be observed, that in this order the A. B. C. ground is treated as a portion of the Hobart Park. In fact, no records can be traced, except the order of 1882, in which its separate existence is anywhere recognized.

4. It is now brought to the notice of His Excellency the Governor in Council that the tennis-courts immediately in front of the pavilion which was erected by private residents of Ootacamund, upon the Government waste land, somewhat interfere with the use of the public recreation ground by all classes of the people, inasmuch as they are fenced around and the A. B. C. Club objects to the entry of persons other than those who are members of their Club.

5. It appears to His Excellency in Council that the Government are not justly or equitably entitled to give up a portion of a place like the Hobart Park to the exclusive possession of a body of persons, who form a small fraction of the community.

6. His Excellency in Council is clearly of opinion that the municipality should, in the public interests, be custodians of the Hobart Park, without any reservation whatsoever, and that they should raise funds for its maintenance from the various bodies who use it, namely, the public, the Cricket Club, the Gymkhana Committee, the Race Committee, the Polo Club, the Football Club, and other bodies.

7. A small pavilion was, in or about 1875, erected, upon the ground enclosed by the A. B. C. Club, by subscriptions, which were raised not only from the members of the A. B. C. Club, but from the public generally, and by the holding of a bazaar. Debentures were taken up by various persons at Ootacamund and elsewhere for the purpose of repaying those who advanced a part of the money. These have all been paid off, and the custody of the building itself naturally falls to the control of the custodians of the Government land upon which it is situated.

8. His Excellency in Council is accordingly pleased to direct that the Municipal Council shall give reasonable notice to the A. B. C. Club to remove the barriers, which now exist around their courts; and in recognition of their long use of the ground, and pavilion, His Excellency in Council is of opinion that tennis-courts, similar to those which now exist in front of the pavilion, should be prepared to the west of it, on the disused ground formerly devoted to archery. This will allow of the unsightly and insanitary drain, which now surrounds the courts before the pavilion, being removed; and the trees which impede the passage of air, and are otherwise objectionable, being cut down and removed. It will be for the municipality to arrange with the members of Clubs using the Park and other bodies and associations for the provision of funds for the construction of the new tennis-courts, and for the raising of funds for satisfactorily carrying out the purposes for which the Park is entrusted to them.

9. His Excellency in Council is not prepared to expend Provincial funds in constructing new tennis-courts, but considers that the proposal to construct a sub-soil drain for conducting the Elk Hill Brewery stream into the lake supply-channel, at a cost of Rs. 2,150, is an obvious public and sanitary improvement, on which Provincial funds may legitimately be expended. The estimate having been approved, the necessary funds for this work will accordingly be provided by the Financial Department.

10. In conclusion, His Excellency in Council would express a hope that the Municipal Council will endeavour in every way to improve this public recreation ground, and to make it self-supporting, and a benefit to the general public, feeling quite sure that this is practicable and that no demand need be made upon Provincial revenues for the purpose.

(True Extract.)

Chief Secretary.

To the Chairman, Municipal Council, Ootacamund, } with plans and estimates.
through Collector of Nilgiris.

Financial Department.
Public Works Department.

Exd. P. L. Pereira.

Govt. of {1890} Madras.
LOCAL AND MUNICIPAL.

Issued

Recd.

Encl.

G.O., 23rd Sept. 1890, No. 1411A M.

SEPTEMBER.

Hobart Park.

Passing orders on the proposals of the Ootacamund Municipality for improving the — and observing, with remarks, that, in the interests of the public, the Municipal Council should be the custodians of the Park without any reservation whatsoever.

Communicated to
the Subj. Sup. IV Circle

W. W. B.
15.10.90

S. S. V.

S. S. IV Circle
28/9/90
20/10/90
23/10/90