M.R.O.14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1101 Press ~~Mis.~~

247-248

Dated 28. 5- 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th May 1861.

No. 247. Read the following letter from Major W. H. WAPSHARE, Secretary Ootacamund Improvement Committee, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Ootacamund, 8th May 1861, No. 12:—

SIR,

With reference to the accompanying Extract from the Proceedings of the Ootacamund Improvement Committee, held on the 30th ultimo, I am instructed to forward for submission to Government copies of Minutes by Messrs. Thomas, Ouchterlony, Rohde and myself.

Extract of Proceedings of 30th April 1861.

Minutes by Messrs. Thomas, Ouchterlony, Rohde and Wapshare, arising out of former Minutes on the subject of the letter lately addressed to Government by the Committee on the subject of Pattas were read.

Resolved, with reference to Government Orders of 23rd April 1861, No. 914, that all the Minutes written on this subject be submitted to Government.

(True Extract.)

(Signed) W. H. WAPSHARE, Major,
Secretary Ootacamund Improvement Committee.

OOTACAMUND,
8th May 1861.

1.

MINUTE BY MR. ROHDE.

1. With reference to Mr. Thomas' Minute now in circulation I must say that I do not suppose a Collector is cognizant of the situation of one piece of Patta land in a thousand, and consequently the Committee's remark did not necessarily apply to the Collector.

2. In regard to the statement that Dr. Cleghorn or I asked Mr. Thomas to *sell* land to Maddana, I need only refer to a fact well known to the members of the Committee, that when Mr. Thomas as Collector gave land to Maddana, I charged him with unauthorized interference, and he promised to cancel the grant. It was never till now represented as a sale.

3. I have maintained in Committee, Mr. Thomas presiding, that he had no right to alienate one square foot of ground, and the rest of the members assented; but Mr. Thomas having engaged to cancel the grant nothing was, as far as I recollect, recorded.

4. The fact is that Dr. Cleghorn wished that the person who rented the Shola should have some place on which to deposit his wood during the tenure of his lease: the temporary permission to occupy a piece of land was all that was asked of the Assistant *Magistrate.* If Maddana bought the land it could only be of the Committee, not one member of which ever heard of the sale as far as I know.

5. The Collector states that other lands are held on Patta or by verbal permission of the Collector for the time being.

6. I can only say that this shows the necessity for our resolution; the verbal permission of a Collector is not recognised by any law that I know of, and it can be no injury to those who have titles to be required to prove them.

7. The insinuation of the Collector in regard to our desire to acquire land have been so repeatedly refuted by the Committee that it is needless to notice them again. It is Mr. Thomas' duty, as a member of the Committee, to further its views and not to encourage opposition to them. As Collector and Magistrate his duties are clearly defined by law, and the relative position of the Committee and Collector are laid down by Government.

8. In regard to the latrines, they were most offensive, and this is overcome scarcely enough, but at the expense of the drainage and by polluting the water of the lake.

5th April 1861. (Signed) J. ROHDE.

2.

MINUTE BY Mr. OUCHTERLONY.

1. I need add but little to Mr. Rohde's Minute. If parties have some of them occupied strips of land in the margin of the lake below the Bazar for the past 30 years, and they or others have done and do so under simple verbal permission, there is only the more reason for an inquiry to show on what ground (if any) they are rightfully holding. There could be no personal reflection on the Collector in our resolution, for we could not suppose that each and all of these petty pattas was given by himself personally. That they wear the character we have imputed to them, of an obstruction to improvement, and an obstruction inconsiderately caused, I must still maintain. The Government however has seen fit to give us action in this matter, and it is unnecessary therefore to offer further remark. But I cannot help observing that as Mr. Thomas dwells, both in his Minute and his note to the Secretary, upon our resolution having been passed *in his absence* (as if some advantage had been taken of this), we could not reasonably be expected to gain the benefit of his presence by any postponement of the question, seeing that, during all the time that I have been a member of the Committee, I cannot call to mind a single instance of the Collector having attended a meeting. I except the last assemblage of the members, when I understand that Mr. Thomas was present; absence from Ootacamund having on that occasion prevented myself from attending.

2. With reference to the sale of land to Maddana, that must of course be cancelled, and we should request the Collector to favor us with a notification to that effect.

3. As regards the latrines I confess I have never had the courage to look into them, and must leave our inspecting members to explain how the intolerable stench "*proceeds from themselves*"

(Signed) J. OUCHTERLONY.

3.

MEMORANDUM BY Mr. THOMAS.

Ootacamund, 17th April.

1. With reference to two Memorandum's read at our last meeting, by Mr. Rohde and Mr. Ouchterlony, I feel called on to record a few remarks in self defence on what I can hardly characterize otherwise than an attack on me (whether so intended or not). As regards Mr. Rohde's Memorandum, I can only repeat, that I sold the bit of land alluded to on a distinct request from Dr. Cleghorn and himself. I am sorry my memory differs from Mr. Rohde's, and as to the interference with the present power of the Improvement Committee, alleged by Mr. Rohde and Mr. Ouchterlony, nothing of the sort was intended. The land was asked and *promised before* the Improvement Committee was in existence (when as Collector the power properly rested with me) the possession was not given to Maddana (and that only conditionally and now resumed) till just after the formation of the Committee I have made no "insinuations" whatever, and Mr. Rohde has no right to attribute them, any more than he has to impute "opposition" by me. I differ conscientiously from Mr. Rohde in some of his projects, where I think them impracticable, and the remedy worse than the disease, and so long as I am a member, I shall state my opinion honestly and freely. I am not much at Ootacamund; when I am, I attend, though often at great loss of time. When Sir Charles Trevelyan constituted this Committee, I deprecated being a member at all, and suggested a proper "Municipal Committee" of non-officials, but was overruled by His Excellency the Governor.

Committee sanctioned by Sir C. Trevelyan on 23rd February.
1st meeting 17th April.
1st money sanctioned 4th May.

Land paid for by Maddana 12th May, but he had possession before.

(Signed) E. B. THOMAS,
President of Ootacamund Improvement Committee.

4.

MEMORANDUM BY Mr. OUCHTERLONY.

1. I am sorry that Mr. Thomas should consider what I wrote before as a personal attack upon him. He limits this, however, to my remarks regarding Maddana's land, and all I observed on this subject proceeded upon what I gathered from the Minutes then before me, viz., that the land had been sold by the Collector when such power rested alone with the Committee. But Mr. Thomas now says that "the land was asked and *promised*" (I presume this means *sold*) "*before* the Improvement Committee was in existence." Of course if it was sold when the power of sale rested alone with the Collector, our Committee has no power or duty of interference such as I had supposed. It is only to be regretted that Mr. Thomas *was wholly silent on this important particular during the prolonged discussion at our late meeting.*

2. It may be said that the question, whether Dr. Cleghorn and Mr. Rohde requested the Collector to sell the land in question or not, scarcely belongs to the Committee; but I feel constrained to observe, seeing that Mr. Thomas in his present Minute reiterates the assertion, that at our last meeting he virtually conceded the point, remarking to the effect that he might be mistaken, that Dr. Cleghorn had certainly asked him to sell the land, and he had thought Mr. Rhode said or meant the same.

3. I must now also further observe respecting this land that the allusion to it in the 2nd paragraph of the President's Minute of the 2nd instant, *sent direct to Government*, appears to have been quite gratuitous and uncalled for. Our Secretary Major Wapshare (I am here alluding to what Major Wapshare openly stated before the President at our last meeting, and I beg he will state whether my version is correct) went with Mr. Thomas to the ground below the market place, when the latter pointed to Maddana's land and asked if that was what was alluded to by the Committee. Major Wapshare answered distinctly in the negative, and showed him the actual enclosure which had caused the discussion. These two pieces of land are on opposite sides of the stream, Maddana's being on the further side, and it could therefore hardly interfere with a drainage that was to pass into that stream!

4. I think the whole of the Minutes should now be sent to Government; the more especially as the order in Council of the 23rd instant, No. 914, would seem to give support to the President's unfounded supposition that the Committee could be capable of ousting parties from their land, without "fair" compensation, who had held them for "the last 20 years" some as far as 30 years." There are legal as well as equitable rights belonging to a certain term of occupancy which the Committee have had no desire to call in question.

29th April 1861.

(Signed) J. OUCHTERLONY.

5.

MEMORANDUM BY Mr. ROHDE.

1. I casually met Maddana after seeing these papers and from him obtained the particulars. I did not write to Mr. Thomas, but to Mr. Nisbitt. Dr. Cleghorn wrote to Mr. Thomas who taking from Maddana a deposit of 101 Rupees gave him a receipt, showing that the money was held in deposit for the term the ground might be occupied for deposit of timber, when if required it was to be given up, and the 101 Rupees returned. It was this loan of a piece of ground that I suggested to Mr. Nisbitt, who probably sent my note to the Collector who was it seems directly addressed by Dr. Cleghorn.

2. I did not ask to see the receipt, but I think Maddana's memory likely to be correct, particularly as he says he had no title, he further said that the money was returned to him fifteen days or a month ago according to the stipulation.

(Signed) J. ROHDE.

6.

MEMORANDUM BY MAJOR WAPSHARE.

1. At Mr. Thomas' request I met him one morning below the market place to inspect the latrines. He broached the subject of our letter to Government regarding the Pattas, and asked me if the land granted to Maddana was that which had been the immediate cause of our addressing Government. I replied; no that I had never heard of Maddana's land. I then took

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28th May 1861.

Mr. Thomas a few yards towards the left *up to the fence* of which mention was made in our letter, told him that *that* was the enclosure we alluded to, showed him how it interfered with our proposed plan of drainage, on the market side of the stream, and he in my presence then and there desired the Tahsíldár to inquire into the Patta, and to see if we could get a corner of the land if we wished it. Two days after I received from Mr. Thomas the copy of his Minute, and was surprised to find any mention of Maddana's land made in it.

2. I mentioned these circumstances to Mr. Thomas (as stated by Mr. Ouchterlony) at our last meeting, and he replied that he had not properly understood me, or words to that effect.

(Signed) W. H. WAPSHARE, Major,
Secretary to the Committee.

No. 248. ORDER THEREON, 28th May 1861, No. 1,101.

Ordered to be recorded.

(Signed) J. D. SIM,
Secretary to Government.

No. 12

To The Secretary to Government
Revenue Department

Sir,

With reference to the accompanying Extract from the Proceedings of the Ootacamund Improvement Committee held on the 30th ultimo I am instructed to forward for submission to Government Copies of Minutes of Messrs Thomas Ouchterlony & Wahele & myself.

I have the honor to be
Sir
Your most obedient Servant
W. H. Wapshare Major
Secretary Ootacamund Improvement Committee.

Ootacamund
8th May 1861.

Extract of Proceedings of 30th April 1861.

Minutes of Messrs Thomas Ouchterlony Wahele and Wapshare arising out of former Minutes on the subject of the Letter dated 28th instant addressed to Government & the Committee on the subject of Pattahs were read.

Resolved with reference to Government orders of the 23d April 1861 No. 914 that all the minutes written on this subject be submitted to Government.

True Extract
W. H. Wapshare Major
Secretary Ootacamund Improvement Committee

Ootacamund
8th May 1861

B 4th April 1861 p. 28 29
" 23rd Do p. 384 385
" 30th Do p. 490 491

Rec'd 1861 Septbr
Pro: of Govt for day.
No 1137

From
The Secy Botawa
= mawa Sangrowa
= ment Committee
Dated 8th May 1861
Recd 11th " No 12

Encl

Forwards Copies of Memorials
by Mupoe Thomas &
Auchterlony, Cashdd and
his own on the subject
of Buttas.
No 1101
Recorded

J. D S
28th May 1861

N. 247 + 248

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