M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1492	Press ~~Mis.~~
376-377	
Dated 26-7-	1861.

Not to be folded or roughly handled

No. 376. 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, 2nd July 1861, No. 23 :—

SIR,

1. With reference to my letter of the 18th May, No. 14, I have now the honor, by desire of the Ootacamund Improvement Committee, to report the result of their consideration of the question which the Government was pleased to refer to them in Extract Minutes of Consultation of 14th February 1861, No. 346.

2. The Committee were required to report to Government upon three points ; first, the circumstances of the formation of the road in question ; second, its public utility ; and third, Mr. Griffiths' claim to compensation. They will proceed to treat of these seriatim :—

First.—The circumstances of the formation of the road. The road was undoubtedly made originally by Mr. Griffiths for his private convenience, as an approach to his house, North Down. He does not seem to have ever pretended that it was otherwise. It in part passed through private land, purchased or otherwise arranged for by Mr. Griffiths, and it is not found that any contribution from Government was made towards its construction ; when completed it became used by the public, and although Mr. Griffiths had then the undoubted right to close it against them, and was conscious of such right, he appears to have waived this, and eventually, on the Engineer (Ludlow's) recommendation, it was taken over and has since been maintained as one of the public roads of the Cantonment.

Second.—Its public utility. The Committee think so highly of the public utility of the road, that but for certain passages in the correspondence before them, they would not have considered there could be two opinions on the subject. They observe it stated that there were protests against the alteration and enlargement of old roads that resulted in the present North Down road, and that Burgher paths before partially existed where there are new traces to Kotagherry and Seegoor. But protests against such an improvement, as the present road is over the former wretched approach to the part of Ootacamund where North Down stands, would be as absurd as unnatural, and the idea of any Burgher path presenting gradients fitted for wheeled traffic seems to be simply preposterous. The road that has been made by Mr. Griffiths is one traced and worked out with admirable skill ; and Engineers are known to have expressed their warm approval of the way in which natural difficulties have been surmounted on its construction. It is indeed a well-made carriage road of an easy gradient, and one that is moreover most useful to the public both now and in regard of the future. It is useful in the first respect, as an approach to all the houses situated in that part of Ootacamund, as an aid to the traffic of the villages beyond, and as a ride for recreation to all the inhabitants of the station. And in regard of the future it claims to be looked upon as most important, since when an improved condition of the public finances shall allow of the formation of what is the best and easiest line of approach from the Mysore country, if the enlargement into a cart road of the present admirably traced bridle-path to Kotagherry, and of the undertaking of the essential work of a Ghât for wheeled traffic from Seemogay or other convenient spot to connect the Neilgherry Hills with the Railway, it must form the great artery through which all communication will be poured into Ootacamund.

Third.—Mr. Griffiths' claim to compensation. With the views that the Committee have been led to entertain as explained above, they cannot but consider that Mr. Griffiths has an equitable title to compensation. It is true that the formation of this road was a private undertaking ; nay, it may be assumed that it was carried out as is contended, for his own benefit and convenience. But the Committee regard the question in this light—has the originally intended private work become one of real public utility, and if so, what is its value ? If the answer to the first part of the question be in the negative *cadit questio*, no claim for compensation could be entertained. But in the present instance the opposite is the case, and this, too, without any reservation on the score of faulty construction.

The public then have nothing to do with the prompting motives that led to the work being entered upon (nor in fact does Mr. Griffiths make any pretensions of having been guided in the matter by other object than his own convenience), they simply consider its pecuniary value in reference to its admitted utility. Now, it does not appear that Mr. Griffiths has at any time made a pecuniary claim in respect of benefit accruing, and to accrue to the public from his road. He appears to have allowed it to be taken over for the public use, and to have simply requested consideration of the expenses he had been put to in view to a compensation for them. And if then on one hand, a useful line of road but an ill-constructed one could not, under general circumstances, be taken over at its cost, because in such case the public might pay disproportionately for a work over the execution of which it had had no opportunity of control. On the other when this had been well-constructed the work would be manifestly gained at an economical price, since there would be a saving of that serious item of expense which belong to the head that plans and that directs the execution of the work.

3. There is an insuperable difficulty in arriving at an accurate conclusion in respect of the expenses incurred to Mr. Griffiths in the formation of his road, which is caused by the loss of all his papers in a fire that occurred at his house at Waltair. But looking at the road itself, and with such information and opinions as the Committee have had before them, they are disposed, under the views above enumerated, to recommend a compensation to Mr. Griffiths of the sum of Rupees three thousand.

P. S.—The documents received with the orders of Government are herewith returned.

No. 377. ORDER THEREON, 26th July 1861, No. 1,492.

1. The foregoing is the report of the Ootacamund Improvement Committee on the Reverend Mr. Griffiths' claim for compensation for a road made by him at that station.

2. The road, it appears, was constructed by Mr. Griffiths as an approach to his own house; it was extended some distance beyond this, and has been used by the public without hindrance by him; and finally it was taken over as a Government road. Mr. Griffiths appears to have received an equivalent extent of land for that occupied by the road, but nothing in the way of compensation for his expenditure. The Improvement Committee at Ootacamund, to whom the matter was referred, now report that the road is well-made and of great public utility, and recommend that Rupees 3,000 be granted to Mr. Griffiths as compensation for the expenses he incurred in forming it.

3. Nothing is said however of the length, &c., of the road, or of the Engineer having in any way valued it. Before passing final orders on the subject, therefore, Government require further information on both these points. The Chief Engineer will instruct the District Engineer to visit the road, if he has not already done so, and furnish an estimate of its probable cost.

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

IN CON. 10TH MARCH 1859, No. 964.

From Reverend J. GRIFFITHS,
dated Madras, March 10th 1859.

I beg the favor of your bringing the folllowing to the notice of the Board.

About 10 or 12 years ago, I built a house on the north side of the Cantonment of Ootacamund, outside its boundary. It was an isolated locality, uninhabited by natives, on account of the wild beasts that infested it, and altogether uncultivated. With the concurrence of the then Engineer of the District, Captain Cotton, I discovered and brought down, at considerable expence and labour, a stream of water, which, after supplying my house, I continued to the Cantonment, and proposed to make available for the public, who were for the most part, without any on that side of the valley.

The attempt was attended with considerable difficulty owing to the nature of the soil and because several pieces of land belonging to Serjeants and others running up across the course the water must necessarily take.

These pieces of land I had to purchase at high rates, the necessity being known to the owners.

Mr. Wroughton, The waste or Circar land I had the Collector's permission to go through, and the Civil Engineer proposed to advance a sum of money to defray its cost. It was, however, paid for by myself.

As soon as the line was marked out, I constructed a road parallel to it from the Church (which is in the centre of the Cantonment) to my house, and beyond it to two different points, one of which would lead to Kotagherry and form a level carriage road to that place, the other to Segoor by a shorter and more gradual descent than the present Ghaut. I showed these lines to the several Engineers who, succeeded each other to the District, and from each and all of them I received assurance of approval of their utility, should the Government think fit to take them up.

On the occasion of the visit of Lord Dalhousie to the Hills, Colonel (then Major) F. Cotton pointed out the Kotagherry line to his Lordship, and, with his sanction it was completed.

The other line to Segoor has only been traced (with deviations* of an unsatisfactory nature for draught,) a few miles.

* made by Mr Thomas

But the road having been completed so far has opened up a large tract of country to the natives who have migrated from Mysore and cultivated to a great extent, and the road itself has become a thoroughfare and frequented by the cultivators and by the Cantonment residents.

Major Ludlow, on inspecting the proposed line to Segoor, wrote to Mr. Thomas the Collector, recommending the purchase of the road, and that compensation should be paid me for its construction; and it was apparent that its cost had been paid for to Government over and over again by the revenue obtained from the villages it had opened up.

But Mr. Thomas did not forward the Engineer's letter, and declined to do so on the ground that the road was originally made for my own convenience.

A second application was subsequently made by Captain Francis without success, Captain Francis had concurred with Major Ludlow in his approbation of the line and recommended its adoption and compensation. Mr. Thoma's reply was extraordinary, viz., to the effect that it was too steep and could never be used although it is so gradual that it seems nearly level, and supplies are brought in by it daily and it forms a favorite ride for the Community.

Connected with this subject is another referring to a piece of land bought by a lady in view to build a residence for herself and family. This originated 6 years ago. The application was made to Mr. Thomas for Mrs. Baber the lady in question by me and by Captain Ouchterlony, then on the Hills, and who, with others, exerted themselves in her behalf. Captain Ouchterlony intended to assist in the building; and at that period there was no limit put on applications for land &c., in order to have some grazing land Mrs. Babers application was for 5 cawnies the amonnt Mr. Thomas himself said should be put up.

After waiting several months Mr. Thomas on being again applied to said she could not have more than 2 cawnies and afterwards reduced it to one, but subsequently said he would "stretch a point" and grant two—but these puttings off had extended over a period of 2 years, and Captain Ouchterlony and myself were about to leave it was also suggested that it would (for reasons which can be explained) imprudent to buy the land or to keep it in the lady's name and as nothing could, from this long delay be done about the houses, I had the land transfered to me and paid the purchase money hoping hereafter to see to it. But as soon as I had left the Hills I learnt that Mr. Thomas had cut off the water from my upper land and turned it down the valley thereby rendering all the land it was cut for voiueless and it was useless to do anything further until reparation should be made and the water restored to its channel.

This reparation had been sought in vain from Mr. Thomas, but on Mr. Cherry's entering on Mr. Thomas duties, I brought it to his notice while on the Hills last year, but my short stay and other engagements rendered it impossible to do more than state my grievance and leave it to him and I now learn that he has left, nor could I expect that, as I and Colonel Cotton were the only persons who know the several intricate lines of water courses required for the public (for it must be observed, I pray, that it is not altogether a private matter) Mr. Cherry could settle any thing in my absence.

I now beg to repeat the offer I made to Mr. Thomas to point out to the Engineer's Officers all that it took so long a period to discover to cut provide for the sufficient supply of water for all the houses, at the same time that it removes the grievance I and others have suffered by the operations having been interrupted and damaged by Mr. Thomas' orders.

I respectfully appeal to the Board for order on each of these subjects.

1. Compensaesation for the Road now made public.
2. For the expences of the water channel.

3. For their restoration to the original courses cut by me and which supplies any one else besides.

4. And for the reconsideration of my application of the land taken from me by Mr. Thomas, for a plantation after its occupation by me for 10 years on the faith of Mr. Wroughton's, verbal indeed, but official promise to have it put up for sale for me.

I beg to express my willingness to bear the expence of the water course should it not appear that their construction according to my plan would be a failure, provided the Board issue orders that no obstruction be thrown in my way as heretofore, and I am confident that the dispute so long existing would at once be put an end to.

I greatly regret that I have no paper now to refer to, having lost them by fire but on any point, I can challenge the records of the Collectors office to show that I have grounds for soliciting the consideration of the Board, and in support of the matters in their province, I would appeal to Colonel Cotton, Captain Francis, Captain Ouchterlony, Major Ludlow, and the then Surveyor on the Hills (Mr. Williams,) as to correctness of my claims.

And I now appeal to the Board for redress.

P. S. I beg to enclose a letter just received from the Collector of Coimbatore.

ENC. 1.

From J. W. CHERRY, Esq., Acting Collector of COIMBATORE,
To The REVEREND JOHN GRIFFITHS,

dated Coimbatore, 2nd March 1859, No. 80.

Dated 2nd June 1858.
14th do.
24th November.

Adverting to your letters noted in the margin, I have the honor to annex my replies on the several points therein alluded to.

2. So far as can be gathered from the papers forwarded by you, your complaints and requisitions may be summed up as follows :

1st. That in the year 1845 a piece of land known as Captain Gerrard's was applied for by you and granted to you conditionally by the then Principal Collector Mr. Wroughton, but that the Collector who succeeded him, ignored his acts, and not only refused you the land for which you applied, but gave it to other parties, and that, without any notice of sale or sale at all taking place.

2ndly. That another piece of land No. 12 was sanctioned by the Board to be granted to you, but was bought in by the Collector himself, but never used by him (now 7 years ago.)

3rdly. That a piece of land bought of Mr. Riely adjoining "Bates land" is not entered as your's, which you now request may be registered.

4thly. That a space marked A on the plan forwarded by you, between Mrs. Ryan's House dotted lines and Bandy Sholay upper boundary is the portion you requested may be attached to Mrs. Ryan's in lieu of the quantity cut up by the road to Northdowns now used by the public.

And 5thly. That you require plans of Shedden cottage and the land belonging to it as well as for all your other properties.

3. With regard to the 1st point, I beg to inform you that a reference to the records of this Office shows that your supposition that the land known as Captain Gerrard's was conditionally granted to you by Mr. Wroughton, is incorrect. In your letter of the 12th May 1845 you applied for the land in question to enable you to get water from the Swamp. Mr. Wroughton's reply was that the subject "had better lie over until the completion of the survey of the Neilgherry." It would thus appear that the land was not given nor promised to you, but that Mr. Wroughton meant that the subject was to be renewed after the completion of the survey, in order that the usual enquiry may be made as to whether there were any claims on the land, or whether it was required for any public purposes. His successor Mr. Thomas found the land as an eligible site for a Government plantation, and accordingly appropriated it for such. Consequently it is not in my power to accede to your request to have the above land granted to you.

4. On the 2nd point your statement is likewise incorrect. The land No. 12 (measuring cawnie 1 Grounds 20 Square feet 2337) applied for by you, was ordered by the Board of Revenue in Extract from their Proceedings of the 31st March 1851 to be put up to auction. The Joint Magistrate of Ootacamund was requested in the Collector's letter dated 19th May 1852 to put up the land to public auction after one month, from the date of receipt of that communication. After the usual preliminaries the land was sold in auction and purchased by W. E. Underwood Esq., (who was then on leave at Ootacamund, and not employed as Collector of this District) as reported by the Joint Magistrate in his letter dated 24th June 1852. It would thus appear that at an auction sale open to all, you could have bid for the land through your Agents like others. Whether it is used or unused is not a point on which I could interfere, so long as the quit rent due thereon is regularly paid. Your request therefore for the concession of this land to you, is, it strikes me, also inadmissible.

5. Adverting to the 3rd point, I beg to inform you that the purchase by you from Mr. Riely of the land adjoining Bandy Sholah was brought to the notice of this Office only in April 1858 by Mr. Sub Engineer Williams and it has been accordingly registered in your name.

6. As regards the 4th subject I made it a point to proceed myself to the spot in company with my Surveyor, and found on actual inspection, that 2 Cawnies and 6 grounds of land has been cut up by the road to the property named "Northdowns" now used by the public, and as a compensation for the same I have ceded to you the piece marked A. on Plan received with your letter of the 24th November 1858, which measures cawnies 2 and grounds 16.

7. In connection with your request for plans I beg to state that Messers. Arbuthnot and Co. applied to me at the same time at your desire, for grants for all your properties. My Surveyor accordingly surveyed the whole extent of your land and prepared 5 plans, of which 4 as well as the one prepared in 1857 for the land purchased by you in public auction, are sent attached to their respective Leases, and I request that the accompanying counterparts may be executed by you in the presence of two subscribing witnesses and returned to me.

8. A memo. showing the extent of land belonging to each of your properties is herewith sent for your information.

9. It is reported to me that a native named Nunjuppa Row holds a Puttah for a piece of land measuring 7 grounds within the enclosure of the land purchased by you from Mr. Bates; and I am now making the necessary enquiries as to how he came to be possessed of it, and as soon as the matter is settled I will send you the plan No. 3 with a lease for that property.

As per accompanying List No. 1.

Fee for plan number	1	.....	2	8	0
Do.	do.	2	.....	2	8	0
Do.	do.	4	.....	2	8	0
Do.	do.	5	.....	2	8	0
				10	0	0

As per accompanying List No. 2.

10. All the old plans forwarded by you are retained in my office as they are superseded by the new ones, and I request you will be good enough to remit to me the sum of Rupees 10, being the fees for preparing 4 of the 5 plans now sent as particularized in the margin.

11. The several documents received with your letters are herewith returned.

No. 995.

Extract from the Proceedings of the Board of Revenue, dated 23d March 1859.

Read letter from the Revcrend J. Griffiths, dated Madras, 10th March 1859, No. —

(In Con. 10th March 1859, No. 964.)

Resolved that copy of the above letter, and its enclosure be forwarded to the Acting Collector of Coimbatore for full report on all the points of the case, to be accompanied by a Map shewing the entire of Mr. Griffiths' holding on this spot, the road and watercourse referred to, and the swamp and other patches of land, which that gentleman now wishes to obtain.

2. He will also submit copies of any letters that may have been addressed to the Collector by the Engineer Officers on the subject of Mr. Griffiths's connection with the road and watercourse in question, and of the replies to them.

3. The Board understand from Mr. Griffiths that although Mr. Wroughton did decline to give him one patch of land "pending the completion of the Survey," he gave verbal permission to Mr. Griffiths to proceed with his improvements on it on the understanding that he would eventually obtain it on grant, and the Board cannot suppose that Mr. Griffiths is under any wrong impression of Mr. Wroughton's meaning as the works were carried on, when Mr. Wroughton could not have been ignorant of the fact, and would not have permitted their continuance had they been contrary to his intention or wishes.

4. The Board understand that Mr. Griffiths is likely soon to visit the Hills, and they would wish the Acting Collector in personal communication with him on the spot, to ascertain precisely what it is of which he complains and what he wishes, as his presence appears necessary to elucidate some of the points.

(A true Extract,)

Sub Secretary.

To

J. W. CHERRY, Esq., Acting Collector of Coimbatore.

Copy to Reverend Mr. Griffiths.

In Con. 5th May 1859, No. 2009.

From Rev. JOHN GRIFFITHS,

dated Bimlipatam, 27th April 1859.

With reference to the Resolution of the Board (in Con. March 10th, 1859), I am sorry to acquaint you for their information that I am prevented visiting the Hills at present, and thereby rendered unable to avail myself of the opportunity offered me by the Board of personally explaining to the Collector the subject of my letter to you, dated March 10th, 1859.

I beg therefore, as the only alternative, to offer a few particulars relating to one point alone, viz., the patch of land known as "Garrard's" property, given me conditionally by Mr. Wroughton, but subsequently taken from me by Mr. Thomas, and to which Mr. Cherry in his letter to me dated March 2d, 1859, (which I forwarded with mine of the 10th March to you) makes allusion.

Mr. Cherry says, para. 3, "that my supposition that Captain Garrard's land was conditionally granted me by Mr. Wroughton is incorrect *because* the records shew that I had applied on a certain date for the land in order to get water from the swamp." But I beg to observe that this is not the application I allude to. I also applied in person when Mr. Wroughton was on the Hills on duty, and it was then that Mr. Wroughton gave me leave to improve the locality in expectation of its being thereafter given in the usual way; it was then also that he was informed of my intention to construct a road to it partly through Circar land, and raised no objections, but on the contrary, tacitly though not formally sanctioned the line. I mention this, here, because Mr. Thomas, in one of his letters to me, (indeed in more than one), ventures to state that I did it *without leave*, though his own records indirectly show Mr. Wroughton's consent in a correspondence with Captain Cotton regarding it; moreover, the approval of the principal Collector and the District Engineer and the Joint Magistrate was so notorious that Mr. Williams the Surveyor, and the community always considered it as mine.

I say then that on the faith of Mr. Wroughton's assent thus given, I built my house, and constructed the road to it, and beyond it to other public places, and left them open to the whole community, and kept them in repair at my own cost.

I must now beg leave to remark on the latter part of para 3 of Mr. Cherry's letter which runs thus:—"His (Mr. Wroughton's) successor Mr. Thomas found that the land was an eligible site for a 'Government plantation' and accordingly appropriated it for such."

This implies that Mr. Thomas immediately on succeeding Mr. Wroughton made this discovery, whereas during the whole period of my family residing there, and myself occasionally, no such happy thought ever seems to have struck Mr. Thomas, and it is only now after I had left the Hills in 1854 that this attempt to settle it so, occurred to him. How was it that during all those years Mr. Thomas never once assigned such a reason? As to its being a convenient site for a plantation, it requires to be explained that while this patch I claim is now found to be so, two adjoining tracts, of an extent much greater, were given by Mr. Thomas to an Officer and a Native Christian severally; and the latter was permitted to shut up two public rides as soon as he got it, and subsequently to extend his limits (defacing, first of all, his originally land marks,) in spite of remonstrances, and without reference to the Board: and though this native protegée of Mr. Thomas has since been dismissed his Office and found guilty of a misdemeanour and sold off, yet the rides still remain shut up. Nor is it forgotten that a third tract adjoining my ground on one side and the public garden on the other—admirably suited for planting and available for the extension of the latter, was cut off from my first application and included in the property belonging to Mr. Thomas' brother, making his holding amount to 62 Cawnies, while *the* reason assigned by Mr. Thomas for refusing me was that "I had too much," although the whole applied for did not exceed 5[illegible]s.—20 of which I afterwards gave up. Nor should I omit to state that this patch came to within 100 yards of my house, and contiguous thereto—a fact which I conceive would meet with consideration in any application and be sufficient to induce any impartial Collector to desist from forming a public shelter so near the house for any evil designing vagabonds to harbour in at night.

If therefore the pretext for forming this patch into a plantation for Government be allowed weight against me who had spent upwards of 20,000 Rupees in the neighbourhood, (by which 20 times that sum has accrued to the Revenue in consequence of the tracts it has opened up to cultivators), why has it not been applied to others who had been favored with double the quantity I possessed, and who had

done nothing for the public or for Government with it, but had enclosed what they got, and as in several known cases besides, excluded the public from the enjoyment of rides and walks formerly resorted to by them for recreation?

I have hitherto disdained to notice in the way of boasting, any thing my leisure on those Hills may have enabled me to do, but I am now compelled, in simple defence against Mr. Thomas' systematic attempts, for years past, to thwart me, and any project public or private in which I happened to be of use, to declare that I do not know of any one improvement made at Ootacamund and its vicinity which was not at first begun by myself or suggested to others, and in almost every instance, Mr. Thomas' arbitrary interference and, in some cases, I might call it prostitution of his official position has marred its prospective usefulness or distorted it into an abortion.

Thus the great water-course from the North which I had traced at much expense and labor through jungle and wood infested with wild beasts was interdicted on the plea that "any body else would have discovered it," and that "Government would do it" (it is now seven years since this was said and yet it is still a matter of complaint)—although one party alone offered to defray the expenses to obtain a share, and 18 houses could have been supplied with water in a week had Mr. Thomas not arrived so soon in succession to Mr. Wroughton—for a week more had completed it—while on the South side of the Cantonment, I had discovered a stream and had got, in writing, from the only person likely to throw an obstacle in the way of its transit, to agree to give it up, and this would have not only at once stopped all those disputes touching Mr. George Norton's water-course—(now General Dowker's)—but would have supplied the whole of the South side of the Cantonment including the highest sites of General Cullen's (Cluny) and Southdowns (now the Bishop's), and afforded a sufficient supply for 50 more houses, while the heavy series of expenses already incurred by Government and others at the cutting, in fruitless efforts, would have been entirely saved. As it is; more than 100 houses which would have been well supplied, but for this untowardness of Mr. Thomas have been in consequence, some wholly and the rest only partly deprived of this necessary element, and even those who possess it have to make constant complaints of the frequent stoppages occurring from the conflicting claims of others who require it besides.

Letter O.

Mr. Lascelles.

I assert that this continued source of discontent is attributable solely to Mr. Thomas' obstruction to all schemes which had not their origin with him, but I cannot believe his dealings towards me will be endorsed by the Board, or that they will admit, as sound reasons, what is clearly to me the result of an after-thought, and a mere pretext to exclude me from an equitable claim: or at any rate a claim entitled to some favorable consideration, and I trust it will be the pleasure of the Board to pass orders on this portion of my complaint at once, leaving the subject of compensation for the road and the water-courses for settlement hereafter.

In Con. 6th September 1859, No. 4435.

From E. B. THOMAS, Esq., Collector of COIMBATORE,
dated Coimbatore, 30th August 1859, No. 165.

I beg to acknowledge your letter of the 14th June, regarding the Reverend Mr. Griffiths' lands, and that gentleman's statements regarding them.

2. I would observe, that all the real points of Mr. Griffiths' communication, are *already answered* by Mr. Cherry's letter to him (of which the Board have sent me copy), of 2d March 1859. Mr. Griffiths rests his claims, entirely on his own memory of Mr. Wroughton's supposed promises to him; this is already pointed out in Mr. Cherry's 3d paragraph, and I have only to add, that on my first joining Coimbatore,* I requested Mr. Griffiths to support his own memory, (of Mr. Wroughton's conversations and supposed promises), by any collateral facts or evidence, of any sort, European or Native, written or otherwise, which he never could do, on any one point. I therefore felt precluded from allowing Mr. Griffiths to monopolise, as he wished, nearly all the eligible land and water in his neighbourhood: he has already had, at different times, three† several additions to his original holding; two of them granted by myself—he has, since I have been in the district, cut two new private water channels,‡ quite unauthorized, and to the detriment of his neighbours, (and in defiance of several remonstrances from myself and them.) That the Reverend Mr. Griffiths has a good eye for levels, for water, and for roads, there is no doubt; but it is equally notorious that there is no one on the hills so unscrupulous and determined, in cutting paths and water courses, even through his neighbours' boundaries, as Mr. Griffiths; without any leave from, or reference to, the local public authorities.

*Nine years ago.

† 1 given in 1851.
1 do. in 1854 to add to Neaves' house.
1 do. by Mr. Cherry, in 1858.

‡ Having previously a large one flowing through his compound.

3. I am compelled to observe, that Mr. Griffiths' statements, (resting chiefly on his own memory and impressions), are extremely vague and unsatisfactory; in no case, (though I have often called upon him when here on the hills), does he ever fall back on records or documentary evidence; while I have often had various complaints against his unauthorized encroachments and trespasses, of land and water, from his neighbours. Of those who still are on the hills, Mr. Poulson, Mr. James, Mr. Higgins and others, might be referred to.

4. Whatever Mr Griffiths has spent on roads or water-courses, has been entirely on his own responsibility, and chiefly for his own benefit. As regards the house and land he now alludes to, (no longer his, and with which he has *no* concern), it was sold in auction, as part of General Kennett's estate. To exemplify Mr. Griffiths' loose way of stating things, it is only necessary to advert to his statement, that "the Collector bought land for which he, Mr. Griffiths, was applying;" the land alluded to, was sold at *auction*, as all other land; open to all bidders; and Mr. Underwood* was *not* Collector at the time. If Mr. Griffiths' statement meant any thing, it meant to infer, that the land was unfairly and improperly bought by "the Collector;" a statement both incorrect and unjust.

* Who bought it, and to whom Mr. Griffiths alludes, though from the context it might be myself.

5. As regards Mr. Griffiths' reference to letters of Major Ludlow and Captain Francis, a Memorandum is appended.

6. Mr. Griffiths accuses me of obstructing his applications for land. I beg to give a short sketch of the Reverend gentleman's several acquisitions, nearly all in my time; showing him to have had *more* land conceded to him, and more pieces *now* belonging to him, than *any* other person on the hills. When Mr. Griffiths originally bought a small house called "Neaves' cottage," (where Northdowns now stands), it included 3 *cawnies* 5 *grounds;* he next bought a Mr. Riley's adjoining, which had C. 1, G. 14=C. 4, G. 19—he then requested me to put up to auction land for a pensioner, one "Boulden," C. 8, G. 3, who never held, nor *meant* to hold, the land, but immediately made it over to Mr. Griffiths, for whom he worked as a gardener; (being a hill adjoining Northdowns, Mr. Griffiths had long desired), he subsequently persuaded me to let him add to his property, on two sides, E. and S. W. to "complete and improve it," which made it, in the end, 35 cawnies, its *present* dimensions when sold as General Kennett's estate, to whom Mr. Griffiths had mortgaged or sold it. It is needless to follow Mr. Griffiths through *all* his statements, many of which I am compelled to say, are errors; of the truth of which he has persuaded *himself*—Ex. gr., Mr. Griffiths would seem to imply he alone *discovered*, the water-courses and roads in and about Northdowns, and made them (at great labor and expense) for public benefit—both roads and water-courses were partially in existence when Mr. Griffiths purchased Neaves' and Riley's cottages, as shown by the old maps. Mr. Griffiths only *altered* and *enlarged* them, for his own benefit and amusement, unasked and unauthorized, and generally under *protest*, both from myself and his neighbours. The traces to "Kotagherry" and to "Seegoor," were cut by the District Engineer and where Burgher paths before partially existed known to myself and to many besides Mr. Griffiths. On the water-courses, and the roads, *public* money, to a considerable extent, was spent. Mr. Griffiths spent, I have no doubt, some of his own also; but for his own benefit and pleasure.

7. I write on all these points, with the hill surveyor, Mr. Williams near me, and all the old maps and plans before me; and I cannot but consider it an unfair tax on my time, to have thus to explain over again, matters in which Mr. Griffiths has nothing really to complain of, but has in truth had more latitude than *any* of his neighbours; and to recapitulate points, which Mr. Cherry had already fully disposed of.

8. The accompanying list shows Mr. Griffiths' present holdings, from which the Board can judge whether he has been so unfairly restricted as he would seem to imply.

9. The land "bought by a lady," (Mrs. Baber), was made over, soon after, to Mr. Griffiths—no avoidable delay* occurred about it, but only such as was fully accounted for, and except that Mr. Griffiths became eventually the possessor, he had nothing properly to do with it. I have cut off no water—deprived Mr. Griffiths of no land—but giving him *more* than *any* of his neighbours; and I am at a loss to know *what* reparation, or compensation, is fairly or justly due to Mr. Griffiths, or what is his grievance.

* After the purchase of the land, Mrs. Baber (or rather Mr. Griffiths who prompted her throughout) made a complaint regarding the delay in 1854 a memorandum was sent showing dates, a copy of which is sent herewith, which explains the delay. Mrs. Barber first declined the land and subsequently transferred it to Rev. Griffiths, on 31st December 1854.

10. Mr. Griffiths at the close of his appeal, himself states, that he has no records to refer to, but has lost them by fire, it is much to be regretted, as the records of this office go against his statements.

11. Regarding the land once called "Gerrard's," specially referred to in No. 2257 from Board 14th June last, I beg to observe, (as *already* explained by Mr. Cherry in his letter, paragraph 3), the land was *never* given to Mr. Griffiths, and therefore could not be "taken from him;" he never occupied it, nor had any boundary mark nor any thing to denote a claim to it; unless Mr. Griffiths founds his claim by *taking* unauthorized nominal possession of it; and cutting a small water-course, in defiance of my remonstrances, and to the detriment of many below him, to whom the water belongs—the land being waste, was made into a Government plantation several years ago, and the new and unauthorized water-course closed. Mr. Griffiths having no authority whatever to cut it, and having another copious one through his (then) property, Northdowns. Mr. Williams, the hill surveyor, is cognizant of *all* these points, and attests their correctness.

12. In the land adverted to in paragraph 9 of Mr. Cherry's, I find on enquiry that the native, "Nunjappa Row," has held his land on puttah for 16 years; and *was on* the *land* when Mr. Griffiths bought it of Mr. Bates, of course with its liabilities.

13. A sketch map shewing the position of the land known as "Gerrard's" in relation to that now in Mr. Griffiths' possession, is herewith sent as directed.

—

I attest the correctness of the above statement.

(Signed) J. W. WILLIAMS,
Sub Engineer.

—

ENC. 1.

ABSTRACT.—Memorandum showing the extent of land belonging to each of the properties of Reverend J. Griffiths, at Ootacamund.

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ENC. 2.—Memorandum.

—

ENC. 3.—Memorandum.

—

ENC. 4.

ABSTRACT.—Plan of Northdown property and the land called Colonel Gerrard's at Ootacamund.

7

Croydon 2nd July 1860

Memo

In regard to the road which Mr Griffiths made from the church up to North Downs house and which has been turned to such extensive account as an approach to numerous houses since built, I have some remembrance of having brought the subject before Lt. Colonel Lawford when he paid his official visit to the Hills as District Engineer, but I do not recollect what record was made of it. I know that it was my opinion as I believe it had been that of Col. Fred. Cotton & Major Ludlow before me that Mr Griffiths was entitled to refund by the Government of the expenses he had incurred in making the road — these must have been considerable for I well know that he had to purchase several plots of ground for the sole purpose of bringing his road on a good gradient.

The road forms the commencement of the Kotagherry road designed by Col. Cotton and traced and opened as a bridle path for Lord Dalhousie.

If my memory serves me right, the

reason why I delayed bringing the subject of compensation to Mr. Griffiths before Government was that it might probably form part of the Estimate for a new trace which I entertained the design of marking out in that direction according to the orders of Lord Harris' Government in supercession of the Seegoor Ghaut.

The value of a road carefully and scientifically traced as is that of Mr. Griffiths, becomes very great now that the Hills are so taken up as private property and I shall feel glad to hear that the Government have favorably considered his claim to compensation notwithstanding that the road has been thrown open to the public for some years.

I think it is about 4 years ago since it was first included in the list of Government roads and was repaired at the Government expense.

(Signed) P. M. Francis
Captain Engineer

(True Copy)

J. Griffiths
Chaplain of Vizagapa

public

Post Office
Oct 19 1861
1239

My dear Sir

I am sorry to say I am not quite sure whether my letter No. 14 was dated the 20th of June. as the date was omitted in copying the letter.

Will you advise me by altering the date in the first line of the present letter, if on examining No 14 you find it incorrect.

I have no Government road. Mr Griffiths

Office of this Institute
if any fact, which
ought be my excuse
for an occasional
Scriptorial error

yours faithfully
W. L. Walkinshaw

OOJ
2?

Mr Griffiths requires further information before this Committee can report on the subject referred to them

This is the report of the Outdoor Committee on the Rev. Mr Griffiths claim for compensation for a road made by him at that Station.

The road was constructed by Mr Griffiths as an approach to his own house - was extended some distance beyond this - had been used by the public without hindrance by him and finally was taken over as a Government road. Mr Griffiths

Griffiths appears to have received an equivalent extent of land for that occupied by the road, but nothing in the way of compensation for his expenditure - The matter was referred to the Committee at Coteacammund who now report that the road is well made and of great public utility and recommend that Rupees 3,000 be granted to Mr Griffiths as compensation for the expenses he incurred in forming it

Nothing is said of the length of the road; or of the Engineer having in any way valued it and if under the circumstances Government are disposed to grant the sum recommended the money must be taken out of this years Reserve Fund in the Public Works Dept otherwise provision must be made for it in next years Budget — Mr Griffiths should also formally cede his interest in the road to Government - so as to bar all further claims.

J. N. S

1492

Revenue Deptt

No. 1492.

Proceedings of the Madras Government

Undertaken the 26th July 1861

Read the following letter

from the Secretary Colaccamund

Improvement Committee.

Applicably to orders
reports on certain points
connected with the road made
by Mr. Griffiths, and for rea-
sons stated recommends a
compensation to that Gentleman
of Rupees 3000.

(Here enter 2nd July 1861 Lr. 2.3)

The foregoing is the
part of the Colaccamund
Improvement Committee on
the Revd. Mr. Griffiths's claim
for compensation for a road
made by him at that Station

2. The road it appears
was constructed by Mr.
Griffiths as an approach to
his own house; it was ex-
tended some distance beyon
this, and has been used by the
public

C 13 July R 16

public without hindrance by him; and finally it was taken over as a Govt. road.

Mr. Griffiths appears to have received an equivalent extent of land for that occupied by the road, but nothing in the way of compensation for his expenditure. The Improvement Committee at Colaba examined to whom the matter was referred now report that the road is well made and of great public utility, and recommend that Rupees 3,000 be granted to Mr. Griffiths as compensation for the expenses he incurred in forming it.

3. Nothing is said however of the length & breadth of the road, nor of the Engineer having in any way valued it. Before passing final orders on the subject therefore, Govt. require further information on both those points,

~~& on the cost of the road and its~~

~~final~~

14

~~Govt. that the improvement~~
~~Committee will be prepared~~
~~to comply with the wishes of~~
~~Govt~~
~~as far as may be in their power~~

The Chief Engineer will instruct the District Engineer road, if he has not to visit the ~~[illegible]~~ already done so, & furnish an estimate of its probable ~~formed by the Griffiths~~ cost.

7 Copies
to the Col. Sec. Superl. Committee - Sept. 26
13. " Chief Engineer "
14. " Board of Revenue "

48 10

Revenue 1861 Deptt.
Pro: of Govt for July.

No 1492.

Pro: of the Madras Govt
Dy 26th July 1861.

From the Chief Engineer
3d October 61 No 2720 in

Requiring the Chief Engineer to instruct the District Engineer to inspect Mr Griffiths Road at Cotacammund and furnish an estimate of its probable cost.

Pro: of the Madras Govt in the Revt Deptt dy 29 Nov 61 No 2406 in
G. O. No 2241

Report Mr Griffiths claim for consideration of Govt
Road made by him in Cotacammund.

278-4
Expended
175-6
14-2-61

36-

No 376 & 377.

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