M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 745 Press ~~Mis.~~

445-496

Dated 26 – 3 – 1866.

Not to be folded or roughly handled

To His Excellency the Governor in Co
Fort St. George.

The humble Memorial of Rev. John Griffiths, Chaplain, Madras Establishment,

Sheweth,

That your Memorialist is constrained to appeal to the Government for redress in respect of two questions, in which his interests, and what he is led to believe his just rights, are deeply involved and which concern respectively a tract of land familiarly known as "Garrard's land" at Potacamund, and an important water course at the same station.

"Garrards land" is a tract of about ten Cawnies, situated in the northern part of Potacamund. It originally belonged to the late Col: Garrard, who abandoned it, and it was then applied for by your Memorialist in 1845, but he was informed by the then Collector of the District, Mr. Wroughton, that he could have no formal grant until the then pending Survey of the Cantonement should be completed, but that he might meanwhile go on with any improvements he wished. At the time this land was waste; there were only 2 small cottages in its vicinity (~~now~~ one being your Memorialist's) and there was in fact no objection whatever to its being accorded to any applicant. Your Memorialist cut paths in the property, planted a few trees, cleared out the foundation of a building, and ran a water-course through it.

It has been pretended that on the completion of the survey your Memorialist made no official application for the land. He had the misfortune to lose all his own papers in a fire which destroyed his dwelling house at Vizagapatam; but he is able to furnish

with evidence
John Griffiths

furnish conclusive proof that he did make such application
(and he asserts that he did so not once but frequently) in
the plan accompanying this letter, which has been retur-
-ned to him out of the Collector's office, which is proved
by Mr. Thomas' own handwriting upon it, to have
under the Collector's consideration, and which obviou
could have come before that functionary for no other o
than to explain an application for the land it sketches

It has further been advanced, in resistance to an
fair claim your Memorialist might have to this land,
that it is a "Government Plantation". — On the 30th Aug
1859, the late Collector, Mr. Thomas, wrote to the Boa
that "the land being waste was made into a Governme
Plantation" several years ago" and the new and unauthor
water course closed". — Your Memorialist craves leave t
append an official certificate by Major Morgan, from
which it appears that not a tree was planted till 1858
and that in the course of the seven years since then the
total put out in this so-called "Plantation" has been 1

Your Memorialist feels assured that whatever
failings may be found in his claim to a grant of th
land, will not be allowed to be overbalanced by a consider
of this nature. And your Memorialist would further,
spectfully urge, that had his application for this land
been suffered to pursue its ordinary course, and th
water-course not been arbitrarily interfered with, a cu
vation of by him of an extended Plantation might h
been conducted, which would by this time have
munerated him for much of loss that has been thro
upon him.

The water course above alluded to has
a certain connection with the second question yo
Memorialist seeks to bring under the notice of
Government.

There existed an old authenticated ma
of the Cantonement of Ootacamund dated 1833, which
was kept in the Collector's office and used by Mr. Wroug
as a guide in his decisions. This map which you

your Mr. ... vainly striven to have brough
forward and examined showed that no stream flowe
then to the Cantonement from the north of North
Downs (now the Rev. Dr. Pope's school), nor was the
in fact any stream at all in that spot save one to a
cottage called "Riley's Cottage" and this state of thing
existed till 1845. In that year your Memorialist was
the proprietor of "North Downs" and heretofore known a
"Nearn's Cottage" and which paid 2Rs per month to M
Riley for the privilege of using his stream.

In the year 1845 your Memorialist in com
-munication with the then District Engineer, now Maj
Genl. F.C. Cotton, commenced exploring the country
and dense jungle to the north in view to bringing wate
from Snowdon hill and tracing a road to Kotagherr
The latter object required a route through the land of Riley
Cottage and under the decision of the Collector your Me
morialist was compelled to purchase the property to
acquire a title to do this. He thus became the
proprietor of "Riley's" stream of water above alluded to.

Your Memorialist then proceeded to carry the
"Riley's" stream on to "North downs" and thence to
lead it on to the Church, with ultimate intended be
-fit to the Public office, the goal and great Bazar. Th
channel to lead the water was cut and it flowed alon
it, and the course formed the gradient for the carriage
road, which your Memorialist constructed from th
Church to Northdowns.

Simultaneously with this work your Memorialis
was engaged in costly operations at his own expense
to bring ~~streams of~~ water from the streams of Snow
down to Northdowns, and from this a channel (the
one before alluded to) was carried through "Garrard's" lan
and on to other land of your Memorialist. This strea
along with several other lines of water course of whic
he took levels and went to some expense in laying o
formed part of a comprehensive scheme, by which
much water which now runs to waste could have
been utilized, the properties in the Cantonement hav

x and other sources

have been well supplied with water, and a copious stream have flowed for the use of the general Bazar. All these works were done with the approbal and the concurrence of the Engineer, General Cotton, to whom looked to their eventual success as giving a title to your Memorialist for remuneration for his expenses. But at the same time your Memorialist, submits that under the rule observed at Colaba mund, water brought at his expense became his property until other arrangement should be made for its appropriation. An accompanying Map partially illustrates these water courses.

Your Memorialist was engaged in all these works until his departure from the Hills when he left his affairs in the hands of the Engineer, General Cotton - General Cotton left in

During the absence of your Memorialist, the channel which led his stream of water to the Church in the part where it bordered the Northdown road, was filled up and defaced ~~by the~~ by the widening and repairs of the road; and subsequently at a certain point, about midway a channel was cut by the then Engineer Major Dobbie) from that of your Memorialist and his water led down the hill to a cottage below the Church belonging to Mrs Coombes, thus depriving his own property above that line of all benefit from it. Further Mr. Thomas the Collector, as avowed in the above quoted extract of his letter of 30th Aug.t 1859 cut off the supply of your Memorialist's water flowing through "Garrard's" land - And lastly the present local authorities in view to bring water to the New Court House have taken Riley's stream (your memorialist's right by actual purchase) and the Snowdon water by a channel close and parallel in most of its course to your Memorialists, in one or rather the most part even using this last channel itself and at length carrying it on to its destination at a depth which effectually excludes all land of your Memorialist from benefit by it -

Under these circumstances your Memorialist respectfully appeals to the Government for protection, and prays that in consideration of the foregoing facts it will be pleased first to order the grant to him of the land known as "Garrard's" land; second that his rights in respect of "Riley's" Cottage land and the Snowdon supply may be restored to him; and third that he may be authorized to carry out his schemes for a water supply to the general Station (and of which, at his invitation he is now about sending in a plan to the Collector) leaving a reasonable remuneration for the same to follow this proof, in the final result, that the work is a

Your Memorialist would beg to remark in conclusion that by a restoration of his streams to their original channel, there would actually be a larger supply of water flowing to the New Court House than there is or can be at present - that he desires to monopolize none - that he desires to monopolize none but that the public good - and

Forwarded to the Sec.t to Govt. for early report

L. Anderson
Asst. to Collr.

13. Dec.r 1865.

Remarks

445-466
V3 M

A 6836

From
The Acting Sec
to Govt

Dated 13 Nov 1865

Rec'd 14

Con 5 Lett & M Griffiths
with reference to his letter
25 June 1866 Con 1785.

Rev 137/66.

Prov 28 March 1866 Dec No 445

Forwarding to the
Board of Revenue for
report a Memorial
from Rev J. Griffiths
regarding his claim
to certain land and
water course on the
Neilgherries.

Proceedings of the Madras Government, Revenue Department, 26th March 1866.

No. 445. Read the following Proceedings of the Board of Revenue, dated 10th January 1866, No. 166:—

Read the following Memorial addressed by the Reverend J. GRIFFITHS, to Government, dated 13th November 1865, and forwarded to the Board for report:—

To His Excellency the Governor in Council, Fort Saint George.

The humble Memorial of the Reverend JOHN GRIFFITHS, Chaplain, Madras Establishment.

SHEWETH,

1. That your Memorialist is constrained to appeal to the Government for redress in respect of two questions, in which his interests, and what he is led to believe his just rights, are deeply involved, and which concern respectively a tract of land familiarly known as "Garrard's land" at Ootacamund, and an important water-course at the same station.

2. "Garrard's land" is a tract of about ten cawnies, situated in the northern part of Ootacamund. It originally belonged to the late Colonel Garrard, who abandoned it, and it was then applied for by your Memorialist in 1845, but he was informed by the then Collector of the District, Mr. Wroughton, that he could have no formal grant until the then pending survey of the Cantonment should be completed, but that he might meanwhile go on with any improvements he wished. At the time this land was waste, there were only two small cottages in its vicinity, (one being your Memorialist's,) and there was in fact no objection whatever to its being accorded to any applicant. Your Memorialist cut paths in the property, planted a few trees, cleared out the foundation of a building, and ran a water-course through it.

3. It has been pretended, that, on the completion of the survey, your Memorialist made no official application for the land. He had the misfortune to lose all his own papers in a fire, which destroyed his dwelling house at Vizagapatam; but he is able to furnish conclusive proof that he *did* make such application (and he asserts that he did so not once but frequently) in the plan accompanying this letter, *which has been returned to him out of the Collector's office*, which is proved by Mr. Thomas' own handwriting upon it to have been under the Collector's consideration, and which obviously could have come before that functionary for no other object than to explain an application for the land it sketches.

4. It has further been advanced, in resistance to any fair claim your Memorialist might have to this land, that it is a "Government plantation." On the 30th August 1859, the late Collector, Mr. Thomas, wrote to the Board that "the land being waste was made into a Government plantation" *several years ago* "and the new and unauthorized water-course closed." Your Memorialist craves leave to append an official certificate by Major Morgan, from which it appears that not a tree was planted till 1858, and that in the course of the seven years since then the total put out in this so-called "plantation" has been 1,462.

5. Your Memorialist feels assured that whatever of fairness may be found in his claim to a grant of this land, will not be allowed to be overborne by a considera-

position.—

tion of this nature. And your Memorialist would further respectfully urge, that had his application for this land been suffered to pursue its ordinary course, and his water-course not been arbitrarily interfered with, a cultivation by him of an extended plantation might have been conducted, which would by this time have remunerated him for much of loss that has been thrown upon him.

6. The water-course above alluded to has a certain connection with the second question your Memorialist seeks to bring under the notice of Government.

7. There existed an old authenticated Map of the Cantonment of Ootacamund, dated 1833, which was kept in the Collector's office, and used by Mr. Wroughton as a guide in his decisions. This map, which your Memorialist has vainly striven to have brought forward and examined, shewed that *no* stream flowed then to the Cantonment from the north of "Northdowns," (now the Reverend Dr. Pope's school,) nor was there in fact any stream at all in that spot save one to a cottage called "Rielly's Cottage;" and this state of things existed till 1845. In that year your Memorialist was the proprietor of "Northdowns," and heretofore known as "Neave's Cottage," and which paid two Rupees per month to Mr. Rielly for the privilege of using his stream.

8. In the year 1845, your Memorialist, in communication with the then District Engineer, now Major-General F. C. Cotton, commenced exploring the country and dense jungle to the north, in view to bringing water from Snowdon hill, and tracing a road to Kotagherry. The latter object required a route through the land of "Rielly's Cottage," and under the decision of the Collector your Memorialist was compelled to purchase the property to acquire a title to do this. He thus became the proprietor of "Rielly's" stream of water above alluded to.

9. Your Memorialist then proceeded to carry this "Rielly's" stream on to "Northdowns," and thence to lead it on to the Church, with ultimate intended benefit to the public office, the gaol, and great bazaar. The channel to lead the water was cut, and it flowed along it, and the course formed the gradient for the carriage road, which your Memorialist constructed from the Church to Northdowns.

10. Simultaneously with this work, your Memorialist was engaged in costly operations, at his own expense, to bring water from the streams of Snowdon, and other sources, to Northdowns, and from this a channel, (the one before alluded to,) was carried through "Garrard's" land and on to other land of your Memorialist. This stream, along with several other lines of water-course, of which he took levels and went to some expense in laying out, formed part of a comprehensive scheme, by which much water, which now runs to waste, could have been utilized, the properties in the Cantonment have been well supplied with water, and a copious stream have flowed for the use of the general bazaar. All these works were done with the approval and the concurrence of the Engineer, General Cotton, who looked to their eventual success as giving a title to your Memorialist for remuneration for his expenses. But at the same time your Memorialist submits, that, under the rule observed at Ootacamund, the water brought at his expense became his property until other arrangements should be made for its appropriation. An accompanying Map partially illustrates these water-courses.

11. Your Memorialist was engaged in all these works, until his departure from the hills, when he left his affairs in the hands of the Engineer, General Cotton. General Cotton left in ———.

12. During the absence of your Memorialist, the channel which led his stream of water to the Church in that part where it bordered the Northdown road, was filled up and defaced by the widening and repairs of the roads; and subsequently at a certain point, about midway, a channel was cut (by the then Engineer Major Dobbie) from that of your Memorialist's, and his water led down the hill to a cottage below the Church belonging to Mrs. Coombes, thus depriving his own property above that line of all benefit from it. Further, Mr. Thomas, the Collector, as avowed in the above-quoted extract of his letter of 30th August 1859, cut off the supply of your Memorialist's water flowing through "Garrard's" land. And lastly, the present local authorities, in view to bring water to the new Court House, have taken "Rielly's" stream (your Memorialist's right by actual purchase) and the Snowdon water by a channel *close and parallel* in most of its course to your Memorialist's, in one or rather the most part even using this latter channel itself, and at length carrying it on to its destination at a decline which effectually excludes all land of your Memorialist's from benefitting by it. Under these circumstances, your Memorialist respectfully appeals to the Government for protection, and prays that, in consideration of the foregoing facts, it will be pleased, first, to order the grant to him of the land known as "Garrard's" land; second, that his water rights in respect of "Rielly's" Cottage land and the Snowdon supply may be restored to him; and third, that he may be authorized to carry out his schemes for a water supply to the general station, (and of which, at his invitation, he is now about sending in a plan to the Collector,) leaving a reasonable remuneration for the same to follow his proof, in the final result, that the work is a success.

13. Your Memorialist would beg to remark, in conclusion, that, by a restoration of his streams to their original channel, there will actually be a larger supply of water flowing to the new Court House than there is or can be at present, that he desires to monopolize none, but rather to further the objects of Government for the public good, and your Petitioner will ever pray.

———

Forwarded to the Board of Revenue, for early report.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

13*th November* 1865.

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ENCLOSURE No. 1.

ABSTRACT.—Copy of a letter from Reverend John Griffiths, to the Collector of Coimbatore, dated 6th November 1865.

———

ENCLOSURE No. 2.

ABSTRACT.—Original letter from Mr. Etienne, to the Reverend John Griffiths, dated 20th October 1865.

———

ENCLOSURE No. 3.

ABSTRACT.—Copy of Memorandum from Conservator of Forests.

ENCLOSURES Nos. 4 and 5.—Plans.

Read again Board's Proceedings, No. 2,054, dated 22nd April 1865.
" " " 5,305, " 30th August "
" " " 5,974, " 25th Sept. "
" " " 5,932, " 22nd idem. "

Read also the following letters:—

From the Collector of Coimbatore, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 10th November 1865, No. 231.

1. I have received Proceedings of the Board of Revenue, dated 22nd September 1865, No. 5,932, and in reply beg to inform them that the Map alluded to by Mr. Griffiths, is not forthcoming. I don't recollect having ever seen it. He has, however, had the use of the existing Cantonment Map, from which he has taken a copy of that portion exhibiting his properties. With reference to the Board's directions, that I should supply Mr. Griffiths with a Map, shewing all his holdings on the Hills, I beg to state that there is no Surveyor or other person attached to my office, by whom I could have a copy made. A reference to the Cantonment Map shews that all Mr. Griffiths' properties between the Church and Shedden House, one place excepted, are connected. The piece of land required to complete the junction is about an acre in extent. I see no objections to its transfer to Mr. Griffiths, especially as he offers, in exchange, to throw open to the public one of his private roads, which will be a convenience.

2. The next point to which I will allude is Gerrard's land; a piece of land containing, I should say, some ten acres. In 1845, Mr. Griffiths applied for this land to Mr. Wroughton; but was officially informed by letter that his application had better stand over until the completion of the survey, which was then being carried out by the late Colonel Ouchterlony. Mr. Griffiths states, at least so I understood him, that although he was not allowed officially to take possession of the land, he received verbal permission from Mr. Wroughton to occupy it. From the tenor of the correspondence, which for years past has taken place regarding this land between Mr. Griffiths and the different Collectors, I am led to conclude that Mr. Griffiths did for a time exercise certain rights in the land; but whether legally or not, I cannot say. Mr. Thomas, the Collector, evidently considered that his acts were illegal; for, after his arrival in the District, Mr. Griffiths was restrained from interfering with the land which Mr. Thomas some years ago partially planted out with Australian trees.

3. Mr. Griffiths lays great stress on the transfer to him of this land, and as long as Government maintains the entire right to and sole control over the water which flows from the swamp situated in it, I see no objection to its being made over to him.

4. The possession of the land is of minor importance to Government, whereas it will greatly enhance the value of Mr. Griffiths' property, as, in conjunction with his adjoining property, it will form a fair site for a house. The water which flows from the swamp is one of the main existing sources of supply to the channel now running past the Church, and which, it is eventually hoped, will convey water to

the European and Native Jails and the bazaar below them. There is now standing on the land a number of Australian trees. None of them are of great size, and many of them are small. Major Morgan, Assistant Conservator of Forests, values them at Rupees 1,100-13-0; but if the land is to be made over to Mr. Griffiths, I recommend that they be transferred with it, Mr. Griffiths being called on to pay the original cost incurred in planting them.

				RS.	A.	P.
665	Acacias at 1	Rupee each	...	665	0	0
332	do., at 12	Annas ,,	...	249	0	0
166	do., at 6	Annas ,,	...	62	4	0
83	do., at 4	Annas ,,	...	20	12	0
85	do., at 1	Anna ,,	...	5	5	0
66	Eucalyptic at 1	Rupee each	...	66	0	0
65	do., at 8	Annas ,,	...	32	8	0
1,462				1,100	13	0

5. Some years ago, Mr. Griffiths, with the concurrence of Captain (now General) F. Cotton, I believe, projected a scheme for the supply of Ootacamund with water from Snowdon and a swamp, the property of Mr. Ouchterlony near Marlimund. The project was never, as far as I can ascertain, carried out. Mr. Griffiths, no doubt, laid out money on the north face of Snowdon in the attempt to bring water. But what the amount of the money thus laid out was, I cannot say. The traces of the work, which were in existence, when I first inspected it, do not warrant me in estimating it at more than Rupees 300. I admit that my estimate may be quite wrong; but I speak of things as I found them to the best of my judgment. A gentleman, however, whose name I do not mention, told me that Mr. Griffiths had some years ago been blasting and done a good deal of work on the north face of Snowdon, and that he might have laid out Rupees 1,500 on it; but that he (gentleman) always understood that the work had been a failure, and that the water has not been brought. Major Farewell, who has taken advantage of the remains of Mr. Griffiths's works, has only partially succeeded in bringing water along the north face of Snowdon, and in order to his doing so, he has had to blast the face of a rock to enable him to carry the water at this place along a channel built with brick in chunam. Mr. Griffiths, as I understood, brought water round this bluff by means of a wooden trough supported on iron bars, secured in the rock. Of this trough or bars, no traces remain; at least, I have not seen any. A work of this nature, however, could only have been carried out at considerable expense. An Engineer, I consider, is the only person competent to give an opinion as to the practicability of Mr. Griffiths's general scheme to supply Ootacamund with water, and to estimate the value of the work already done by him in bye-gone years, in view to carrying it out.

6. Mr. Griffiths's scheme embraces the construction of a high level channel, which would supply his lands, and eventually deliver the water at a point which it now reaches by means of an old channel lately cleared, improved and extended by Government. It also requires that the owners of several houses situated lower down the hill, than the proposed high level channel, should give up their present channels in exchange for new ones to be constructed to bring water on a lower level. So many private interests have to be got over ere the scheme could be carried out, and people are so jealous as to any interference with their channels, that, I fear, little progress could be made in the work, unless Government undertook the charge of the general water supply of Ootacamund—a troublesome and, I fear, expensive work.

From the same Officer, dated 17th November 1865, No. 247.

I beg to forward, for the information of the Board of Revenue, a copy of a letter, dated Ootacamund, November 6th, 1865, received by this day's post from the Reverend J. Griffiths, with my remarks in the margin. This letter should be taken into consideration when the Board pass orders on my letter to their address, dated 10th instant, No. 231.

From the Reverend J. GRIFFITHS, to the Collector of Coimbatore, dated Ootacamund, 6th November 1865.

Collector's Remarks.

With reference to our conversation on the subject of the Board's orders in the matter of the disputed land and water-courses, I beg to offer for your consideration the following statement:—

It seems to me that in the operations of the Engineer, in bringing down the stream from the Northdowns to the new Court House, he has overlooked the fact that the water itself, and the greater part of the channel, is my property, on the same ground and by the same right as all other streams which belong to other houses in the Cantonment are their's, and which rights have been always recognized, except in my case.

(1.) Mr. Thomas's remark applied, I believe, to the stream of water running to Mr. Griffiths's (then) property Northdowns, but not to the surplus water running from that property, which was subsequently, as Mr. Griffiths has stated in previous correspondence, led by a channel, with Mr. Thomas' sanction, to Mrs. Coombes's houses, and which channel cleared out, enlarged, and extended, now conveys water to the church.

P. G.

(1.) It was acknowledged by the late Collector, Mr. Thomas, who alludes to it in his letter to the Board, where he complains of my cutting other channels saying, "Mr. Griffiths "had already a copious stream flowing through "his grounds."

(2.) The Rielly's stream, a minor one, was purchased by Mr. Griffiths in Mr. Wroughton's time. The actual stream which Mr. Griffiths purchased is not now running, and had not run, I really believe, for some time prior to my arrival in the District. On this point, however, I cannot speak with certainty; but Doctor Pope, no doubt, if referred to, can. There is *now* a channel leading to Northdowns on a lower level than the old Rielly channel from the hill stream from which the original Rielly channel was led off. Finding that the original (Rielly channel

(2.) It was recognized by Mr. Thomas's predecessor, Mr. Wroughton, and adjudged by him to be Mr. Rielly's property, in consequence of which very decision, I purchased the said stream from Mr. Rielly, and so acquired the right thereto. This Rielly's stream I united to my new one at Northdowns.

as I now know it to have been called) channel had fallen into disuse; in fact that it was in a great measure obliterated, as any one can judge for himself by visiting the locality, and wishing to increase the supply of water, in view to supplying the bazaar, I had the new channel, with the aid of one of Major Farewell's men, laid out on a slight gradient.

P. G.

(3.) From a spring on the north side of Snowdon, about two hundred yards from Northdowns, I believe the water has flowed to Northdowns for a long time; but the unfinished channel extends about half or three-quarters of a mile further round the hill. Whether water ever ran in it, I must refer the Board for my opinion to my previous letter. As to the reservation made in General Kennet's Deed of Conveyance, I can say nothing, not having seen the Deed.

P. G.

(3.) Thirdly, it was not, as is supposed by you, given up when I sold the said Rielly's Cottage to General Kennet (including it in Northdowns plan); for, in the Deed of Sale there is a special proviso inserted, that "I do hereby "transfer all my right and title to the land in-"cluded in this plan, with all the buildings and "other property upon it to Lieutenant-General "Kennet, for the sum of Rupees sixteen thousand, "four hundred and forty-one, *only reserving* "*to myself the right of water-way for the* "*water for the supplying of my land situated* "*elsewhere.*" And it continued to flow through Northdowns, unobstructed, to the other land beyond, and to the Church hill.

(4.) I walked along the water-course (Major Farewell's) with Mr. Griffiths, Mr. Pelly, and another gentleman. Mr. Griffiths said several times that his water-course ran below the one on which we were walking. This may be true; but I could not see the course referred to. The bushes below were thick, and rendered it difficult to distinguish anything.

P. G.

This is testimony to the fact of its flowing, which I beg to bring specially to your notice; for I understand you to have been informed that though I cut the channel, yet this water never flowed until Captain Farewell brought it; (4) a mistake which I thought I had cleared up when I showed you my original water-course parallel to Captain Farewell's, and which he has here and there adopted, and the water itself is the identical stream you have supposed was a new one.

(5.) On my arrival in the District, one of the first subjects that engaged my attention was Mr. Griffiths's claims about water, &c. I heard all that Mr. Griffiths advanced, and was anxious, if I could, to aid him; but, on inquiry, I found the whole question so involved with the private interests of others that I almost gave it up in despair. I was in hopes that I should, from what I had heard, be able to bring an abundant supply of water from Snowdon, sufficient for the wants of all parties, and be thus enabled to overcome their scruples as to necessary changes in their existing water-courses. In view to this desirable end, I had the jungle cleared along the course of the remains of Mr. Griffiths's old works; but after several examinations of the locality by myself,

It will also be in your recollection that three years ago, you came to me and requested me to point out to you what *streams* were available for the bazaar (5), and I pointed out to you Rielly's and Snowdon's streams and the channels I had cut, the water of which your predecessor had diverted elsewhere, unknown to me in my subsequent absence. You also asked me, if I had any objection to their flowing on *through my land* above the road from Shedden to the Church hill.

I readily furnished you with all the information you desired, and assented at once to your proposal to take it through the said land, and supposed all along that Captain Farewell had so done. I am also informed that there was no opposition on the part of any other

the conclusion was forced on me that the report of the abundant supply of water that could be brought from Snowdon was a myth; and I am sorry to say that this conclusion has not been shaken in any way since. In the hot weather, the supply of water is very small.

P. G.

party to the scheme. Mr. Etienne, as Attorney to Captain Richardson, (the only other party interested,) having furnished the Engineer with a written permission to take it through the ground of that gentlemen, and so on through mine, and which he affirms as follows:—

"In answer to your's just to hand, Major Farewell called on me, before cutting the present "channel, to ask if I would allow of the water running through the Oxton House compound "(Captain Richardson's property). I at once consented that he should do so, and was not a little "surprised to find afterwards the course being cut so much lower than I considered it was "originally intended to be."

(6.) On this point the Board must refer to the Engineers.

P. G.

This line has not been taken by the Engineer, and the whole of my land is thus deprived of the streams, one of which I purchased; the other constructed at my own expense, and this (6) deprivation has cost me 7,000 Rupees in interest of

I submit that as all other land-owners, who have streams to their properties, are protected in their rights, I have at least equal claim to the same protection under the same law.

(7.) The Rielly and Snowdon streams are distinct. The former was purchased by Mr. Griffiths, I believe. The latter is the property of Government, I think. That the Snowdon water was brought to the Church by Mr. Griffiths, I cannot say. This is a question for the Engineers.

P. G.

(7.) I beg further distinctly to point to you that this Rielly's stream is not the same as that called Snowdon stream, or Northdowns stream, but that they *unite* at Northdowns, and so were designed to flow on to the Church hill, land and gaol. It has been stated to me that the Snowdon stream is a Government stream *because* the Engineer has spent some hundreds of Rupees in repairing and *altering* the channel; but I submit that if the expenditure of two or three hundred Rupees, on "repairing" or altering an old channel, constitutes a claim to the water itself, then, a *fortiori*, he who had previously spent not hundreds but thousands on discovering it and surveying and constructing it, and who succeeded in bringing these identical waters not to Northdowns only, but beyond that locality to the Church hill, (which I actually did,) has a title to prior claim to consideration; the more particularly because there was no necessity for cutting a new channel merely parallel to the old one, that channel not only having been cut, but the water having flowed through it for eight years, and before Captain Farewell began his operations it only needed cleaning out. I mention this, because you have, as I am informed, been led to doubt that the water *ever* flowed; a fact which I could establish, if necessary, by the testimony of fifty witnesses. It supplied my house and grounds when Rielly's stream was temporarily in use elsewhere, and when tenants were in occupation of "Northdowns." There can be no mistake on this point, and I am desirous to give you the fullest information on it, or to submit it to a Committee of residents, who can call one hundred witnesses to the proof; but to save unnecessary trouble, I offer to shew you it again flowing as before through the whole course, that you may have ocular demonstration of the fact, and to do it without any expense to Government if required.

(8.) I do not quite understand what land is referred to.

P. G.

(8.) I beg to observe, in conclusion, that that land being restored to me, no obstruction whatever will be made by me to the continuation of those streams to the bazaar; but that, on the contrary, I should cut a road through it for a public drive, and add two additional streams to its volume for furthering the object of Govern-

ment regarding the bazaar, and also make the courses all over to Government, with three others now unknown to them, as I have before pointed out to you; if they do not succeed, I am willing to bear all the expenses of the past work and future completion.

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1. Ordered that the above papers be submitted to Government, with reference to the endorsement on Mr. Griffiths's Memorial, and with the Board's recommendation that the Collector be instructed to make over to Mr. Griffiths the small plot of land required to connect his properties lying between the Church and Shedden House, and also the plot known as "Garrard's land" free of charge, as compensation for the inconvenience and loss Mr. Griffiths has suffered by the apparently objectless delay or refusal to comply with his original application for that portion, and for the trouble and expense incurred by him in his pioneering operations from which the public are now deriving advantage.

2. It will be observed that Mr. Griffiths offers to throw open to the public one of his private roads, which will be an additional convenience.

3. As to the water claim, there seems to be no doubt that Mr. Griffiths has a vested right, (as reserved by the endorsement on General Kennet's title deed, now in Messrs. Arbuthnot &c Co.'s hands, and available for reference,) in at least one of the sources of the supply which Major Farewell has lately conveyed towards the Church. It also appears that the channel, originally made by Mr. Griffiths, has in many parts been appropriated by the Engineer, and that by a change of level at one point, the supply has been carried away from Mr. Griffiths's land.

4. The Board do not clearly understand whether the channels supplying the several houses lower down the hill than Northdowns, referred to in the last paragraph of Mr. Grant's letter, dated 10th November 1865, are fed from the channel lately laid out or repaired by Major Farewell; but if so, there seems to be no reason why these claims should be allowed to over-ride the much older one of Mr. Griffiths, so far at least as the "Rielly channel" is concerned.

5. The fact seems to be that while endeavoring to improve the supply to the residents on the lower level, the Collector and the Engineer have unwittingly done Mr. Griffiths's property a serious injury, which should be repaired as far and as speedily as possible.

6. It would appear from Mr. Griffiths's statement that the water can be carried through his property to the point which it at present reaches near the Church, and that branch channels can be taken off at certain points to supply those houses below Northdowns now supplied by Major Farewell's channel. The Board would recommend that this line be at once carefully examined by the Engineer, and that if found to be feasible, the work be carried out at the cost of Government without delay.

7. In any case, the supply formerly obtainable from "Rielly's channel" must be again placed at Mr. Griffiths's disposal, and made available for his land.

8. The control of the water supply derived from the swamp in Garrard's land must be reserved by Government, but Mr. Griffiths should receive a share of the water.

No. 446. ORDER THEREON, 26th March 1866, No. 745.

Land Revenue.

1. The Governor in Council proceeds to pass orders on the three requests preferred by the Reverend J. Griffiths in his Memorial, dated 13th November last. These requests are—

I. That a piece of land at Ootacamund, some ten cawnies in extent, called "Garrard's land," should be granted to him.

II. That certain water rights in respect to a property of his called "Rielly's Cottage," and a channel from Snowdon, should be restored to him.

III. That he should be authorized to carry out his schemes for supplying the station of Ootacamund with water, his remuneration being dependent on his success.

2. The circumstances as regards the first claim are briefly as follow:—

3. In 1845 Mr. Griffiths applied to the then Collector, Mr. Wroughton, for "Garrard's land." Mr. Wroughton replied *officially by letter* that the subject "had better lie over until the completion of the survey of the Neilgherries."

4. This much is on record, and admitted by Mr. Griffiths himself.

5. Mr. Griffiths, however, asserts that, notwithstanding this official and, under the circumstances, proper enough reply, Mr. Wroughton permitted him to occupy the land, and that he accordingly entered upon it, on Mr. Wroughton's "verbal but official promise to have it *put up for sale*" for him.

From Mr. Griffiths to the Board of Revenue, 10th March 1859.

6. This rests on Mr. Griffiths's statement, there being no evidence, oral or written, of any such promise.

7. It would appear, however, from Mr. Griffiths's account, that he did enter upon the land, but he could not have expended much money upon it. He states that he "cut paths in the property, planted a few trees, cleared out the foundation of a building, and ran a water-course through it." But whatever Mr. Griffiths may have done towards the improvement of the property, under the alleged permission of Mr. Wroughton, he clearly did at his own risk, on the chance of his getting the land when sold by auction. He has never paid any assessment on the land.

8. In 1849 on the survey of the Neilgherries being completed, rules were sanctioned by Government defining the mode in which applications for land

should be dealt with. Under these rules, if the Revenue Board approved of their sale, they were to be put up to public auction at an upset price, the woods and streams being specially reserved to Government.

Rules VI and XV.

9. Mr. Griffiths states that on the survey of the hills being finished, he made an application for "Garrard's land." There is nothing on record to prove this, nor does it appear why, when his application was not complied with, he did not promptly appeal to the Board of Revenue or Government. His first complaint to the Board of Revenue seems to have been preferred in March 1859—more than nine years after the Neilgherry Rules were sanctioned by Government, and fourteen years after his first application to Mr. Wroughton. The Board rejected his application, and now, after a further interval of six years, or twenty years after his first application, he appeals to Government.

10. Admitting, however, that Mr. Griffiths did make application after the survey of the Neilgherries was completed, it is clear that if it had been complied with, the land, with the reservation of the wood and swamp in it, would have been put up to public competition, and Mr. Griffiths would have had to take his chance of becoming its purchaser. This indeed is all that (as he himself declares) Mr. Wroughton promised him, "to have it put up to sale" for him.

From Mr. Griffiths to the Revenue Board, 10th March 1859.

11. All, therefore, that Mr. Griffiths can in strictness claim now, is what might have been done for him in 1850, viz., that the land be sold, with reservation to Government of the wood and swamp, and that he may have the opportunity of buying it, if he should be the highest bidder.

12. Both the Collector and the Board urge, that in the event of "Garrard's land" being made over to Mr. Griffiths, "the entire right and sole control over the water which flows from the swamp situated in it" should be reserved to Government. The Collector writes, "the water which flows from the swamp is one of the main existing sources of supply to the channel now running past the church, and which it is eventually hoped will convey water to the European and Native jails, and the bazaar below them."

13. The object of the Collector and the Board can be effectually secured only by the whole swamp, and the wood that protects part of it, being absolutely excepted from any grant that may be made of the land, clearly demarcated and with a sufficient margin and means of access reserved to Government, the holder of the land being debarred from in any way meddling with it.

14. If Mr. Griffiths desires that the land thus curtailed should be put up to sale, the Collector will adopt the necessary measures in accordance with the present rules.

15. Under any circumstances, the Collector will carefully protect the swamp and the stream issuing from it, and report what he has done.

16. As regards the streams led from Snowdon by Mr. Griffiths, it is clear that with the consent, as he alleges, of the Engineer Officers, (who had no power to give such consent,) or at least with the acquiescence or non-interference of the local authorities, Mr. Griffiths has been suffered to cut and lead water-courses through Government land in a most unauthorized and irregular manner, and to assert private rights in them quite at variance with the views and orders of Government on the subject.

17. The Government cannot at all agree with the Board that Mr. Griffiths has a vested right in the channel which he calls "Rielly's." All that he bought when he bought the cottage was the right to so much water supply as the previous owner had permissively enjoyed. His purchase of the cottage grounds conferred on him no title to lead the water out of that ground, and then deal with it as he pleased. The reservation on the back of General Kennett's Title Deed is only binding on the parties to it, and not on the Government.

18. Similarly the "Snowdon" supply clearly belongs to the Government, and not to any individual who sees fit to cut a channel from it.

19. But while thus declining in any way to admit Mr. Griffiths's asserted rights, the Government concur with the Board of Revenue that a fair distribution of water should be made among the properties having reasonable claims on it. The Collector and Engineer will, therefore, in concert, arrange for such a distribution, and either from Rielly's or the Snowdon channels or both, give as much water to Mr. Griffiths's properties as can equitably be given to them, consistently with the fair supply of others and the public requirements for the jails, &c. This being done, the Collector will take care that such distribution is not again interfered with.

20. As regards Mr. Griffiths's third request, the Government do not require his services, and desire that he will abstain from encroaching on the province of officers in the Revenue and Public Works Departments.

21. The Government consent to the transfer to Mr. Griffiths of the small piece of land referred to by the Collector and Board of Revenue, on his executing a written agreement throwing open the private road to which allusion is made, and engaging to abstain from doing any thing which will interfere with its ordinary use by the public, or its repair by the Officers of Government at their discretion.

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

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Secretary to Govt Public Works Dept
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a copy of it—
I am however asked
to request that the enclosed
memorial may be laid
before the Hon'ble the Public
Works Minister—

Jany. Secretary
Public Works

13/11/65—

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No. 166.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th January 1866.

Read the following Memorial addressed by the Reverend J. GRIFFITHS to Government, dated 13th November 1865, and forwarded to the Board for report:—

To His Excellency the Governor in Council, Fort Saint George.

The Humble Memorial of THE REV. JOHN GRIFFITHS, Chaplain, Madras Establishment.

SHEWETH,

That your Memorialist is constrained to appeal to the Government for redress in respect of two questions, in which his interests, and what he is led to believe his just rights, are deeply involved, and which concern respectively a tract of land familiarly known as "Garrard's land" at Ootacamund, and an important water-course at the same station.

"Garrard's land" is a tract of about ten cawnies, situated in the northern part of Ootacamund. It originally belonged to the late Colonel Garrard, who abandoned it, and it was then applied for by your Memorialist in 1845, but he was informed by the then Collector of the District, Mr. Wroughton, that he could have no formal grant until the then pending survey of the cantonment should be completed, but that he might meanwhile go on with any improvements he wished. At the time this land was waste; there were only two small cottages in its vicinity, (one being your Memorialist's,) and there was in fact no objection whatever to its being accorded to any applicant. Your Memorialist cut paths in the property, planted a few trees, cleared out the foundation of a building, and ran a water-course through it.

It has been pretended, that, on the completion of the survey, your Memorialist made no official application for the land. He had the misfortune to lose all his own papers in a fire, which destroyed his dwelling house at Vizagapatam; but he is able to furnish conclusive proof that he *did* make such application (and he asserts that he did so not once but frequently) in the plan accompanying this letter, *which has been returned to him out of the Collector's office*, which is proved by Mr. Thomas's own handwriting upon it to have been under the Collector's consideration, and which obviously could have come before that functionary for no other object than to explain an application for the land it sketches.

It has further been advanced, in resistance to any fair claim your Memorialist might have to this land, that it is a "Government plantation." On the 30th August 1859, the late Collector, Mr. Thomas, wrote to the Board that "the land being waste was made into a Government Plantation" *several years ago* "and the new and unauthorized water-course closed." Your Memorialist craves leave to append an official certificate by Major Morgan, from which it appears that not a tree was planted till 1858, and that in the course of the seven years since then the total put out in this so-called "Plantation" has been 1,462.

Your Memorialist fees assured that whatever of fairness may be found in his claim to a grant of this land will not be allowed to be overborne by a consideration of this nature. And your Memorialist would further respectfully urge, that had his applicaton for this land been suffered to pursue its ordinary course, and his water-course not been arbitrarily interfered with, a cultivation by him of an extended plantation might have been conducted, which would by this time have remunerated him for much of loss that has been thrown upon him.

The water-course above alluded to has a certain connection with the second question your Memorialist seeks to bring under the notice of Government.

There existed an old authenticated map of the Cantonment of Ootacamund, dated 1833, which was kept in the Collector's office, and used by Mr. Wroughton as a guide in his decisions. This map, which your Memorialist has vainly striven to have brought forward and examined, showed that *no* stream flowed then to the Cantonment from the north of "Northdowns," (now the Reverend Dr. Pope's school,) nor was there in fact any stream at all in that spot

save one to a cottage called "Rielly's Cottage ;" and this state of things existed till 1815. In that year your Memorialist was the proprietor of "Northdowns," and heretofore known as "Neave's Cottage," and which paid two Rupees per month to Mr. Rielly for the privilege of using his stream.

In the year 1815, your Memorialist, in communication with the then District Engineer, now Major General F. C. Cotton, commenced exploring the country and dense jungle to the north, in view to bringing water from Snowdon hill, and tracing a road to Kotagherry. The latter object required a route through the land of "Rielly's Cottage," and under the decision of the Collector your Memorialist was compelled to purchase the property to acquire a title to do this. He thus became the proprietor of "Rielly's" stream of water above alluded to.

Your Memorialist then proceeded to carry this "Rielly's" stream on to "Northdowns," and thence to lead it on to the Church, with ultimate intended benefit to the public office, the goal, and great bazaar. The channel to lead the water was cut, and it flowed along it, and the course formed the gradient for the carriage road, which your Memorialist constructed from the Church to Northdowns.

Simultaneously with this work, your Memorialist was engaged in costly operations, at his own expense, to bring water from the streams of Snowdon, and other sources, to Northdowns, and from this a channel, (the one before alluded to,) was carried through "Garrard's" land and on to other land of your Memorialist. This stream, along with several other lines of water-course, of which he took levels and went to some expense in laying out, formed part of a comprehensive scheme, by which much water, which now runs to waste, could have been utilized, the properties in the Cantonment have been well supplied with water, and a copious stream have flowed for the use of the general bazaar. All these works were done with the approval and the concurrence of the Engineer, General Cotton, who looked to their eventual success as giving a title to your Memorialist for remuneration for his expenses. But at the same time your Memorialist submits, that, under the rule observed at Ootacamund, the water brought at his expense became his property until other arrangements should be made for its appropriation. An accompanying Map partially illustrates these water-courses.

Your Memorialist was engaged in all these works, until his departure from the hills, when he left his affairs in the hands of the Engineer, General Cotton. General Cotton left in ——.

During the absence of your Memorialist, the channel which led his stream of water to the Church in that part where it bordered the Northdown road, was filled up and defaced by the widening and repairs of the road; and subsequently at a certain point, about midway, a channel was cut (by the then Engineer Major Dobbie) from that of your Memorialist's, and his water led down the hill to a cottage below the Church belonging to Mrs. Coombes, thus depriving his own property above that line of all benefit from it. Further, Mr. Thomas the Collector, as avowed in the above-quoted extract of his letter of 30th August 1859, cut off the supply of your Memorialist's water flowing through "Garrard's" land. And lastly, the present local authorities, in view to bring water to the new Court House, have taken "Rielly's" stream (your Memorialist's right by actual purchase) and the Snowdon water by a channel *close and parallel* in most of its course to your Memorialist's, in one or rather the most part even using this latter channel itself, and at length carrying it on to its destination at a decline which effectually excludes all land of your Memorialist's from benefitting by it. Under these circumstances, your Memorialist respectfully appeals to the Government for protection, and prays that, in consideration of the foregoing facts, it will be pleased, first, to order the grant to him of the land known as "Garrard's" land; second, that his water rights in respect of "Rielly's" Cottage land and the Snowdon supply may be restored to him; and third, that he may be authorized to carry out his schemes for a water supply to the general station, (and of which, at his invitation, he is now about sending in a plan to the Collector,) leaving a reasonable remuneration for the same to follow his proof, in the final result, that the work is a success.

Your Memorialist would beg to remark, in conclusion, that, by a restoration of his streams to their original channel, there will actually be a larger supply of water flowing to the new Court House than there is or can be at present, that he desires to monopolize none, but rather to further the objects of Government for the public good, and your Petitioner will ever pray.

(Signed) JOHN GRIFFITHS.

—

Forwarded to the Board of Revenue, for early report.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

13th November 1865.

—

ENCLOSURE No. 1.

ABSTRACT.—Copy of letter from Reverend John Griffiths, to the Collector of Coimbatore, dated 6th November 1865.

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ENCLOSURE No. 2.

ABSTRACT.—Original letter from Mr. Etienne, to the Reverend John Griffiths, dated 20th October 1865.

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ENCLOSURE No. 3.

ABSTRACT.—Copy of Memorandum from Conservator of Forests.

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ENCLOSURES Nos. 4 and 5.—Plans.

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Read again Board's Proceedings, No. 2,054, dated 22nd April 1865.
" " " 5,305, " 30th August "
" " " 5,974, " 25th Sept. "
" " " 5,932, " 22nd idem. "

—

Read also the following letters:—

From P. GRANT, Esq., Collector of Coimbatore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 10th November 1865, No. 231.

1. I have received Proceedings of the Board of Revenue, dated 22nd September 1865, No. 5,932, and in reply beg to inform them that the Map alluded to by Mr. Griffiths, is not forthcoming. I don't recollect having ever seen it. He has, however, had the use of the existing Cantonment Map; from which he has taken a copy of that portion exhibiting his properties. With reference to the Board's directions, that I should supply Mr. Griffiths with a Map, showing all his holdings on the Hills, I beg to state that there is no Surveyor or other person attached to my office, by whom I could have a copy made. A reference to the Cantonment Map shows that all Mr. Griffiths's properties between the Church and Shedden House, one place excepted, are connected. The piece of land required to complete the junction is about an acre in extent. I see no objections to its transfer to Mr. Griffiths, especially as he offers, in exchange, to throw open to the public one of his private roads, which will be a convenience.

2. The next point to which I will allude is Gerrard's land: a piece of land, containing, I should say, some ten acres. In 1845, Mr. Griffiths applied for this land to Mr. Wroughton; but was officially informed by letter that his application had better stand over until the completion of the survey, which was then being carried out by the late Colonel Ouchterlony. Mr. Griffiths states, at least so I understood him, that although, he was not allowed officially to take possession of the land, he received verbal permission from Mr. Wroughton to occupy it. From the tenor of the

correspondence, which for years past has taken place regarding this land between Mr. Griffiths and the different Collectors, I am led to conclude that Mr. Griffiths did for a time exercise certain rights in the land; but whether legally or not, I cannot say. Mr. Thomas, the Collector, evidently considered that his acts were illegal; for, after his arrival in the District, Mr. Griffiths was restrained from interfering with the land which Mr. Thomas some years ago partially planted out with Australian trees.

3. Mr. Griffiths lays great stress on the transfer to him of this land, and as long as Government maintains the entire right to and sole control over the water which flows from the swamp situated in it, I see no objection to its being made over to him.

4. The possession of the land is of minor importance to Government, whereas it will greatly enhance the value of Mr. Griffiths's property, as, in conjunction with his adjoining property, it will form a fair site for a house. The water which flows from the swamp is one of the main existing sources of supply to the channel now running past the Church, and which, it is eventually hoped, will convey water to the European and Native Jails and the bazaar below them. There is now standing on the land a number of Australian trees. None of them are of great size, and many of them are small. Major Morgan, Assistant Conservator of Forests, values them at Rupees 1,100-13-0; but if the land is to be made over to Mr. Griffiths, I recommend that they be transferred with it, Mr. Griffiths being called on to pay the original cost incurred in planting them.

		Rs.	A.	P.
665	Acacias at 1 Rupee each	665	0	0
332	do., at 12 Annas ,, ...	249	0	0
166	do., at 6 Annas ,, ...	62	4	0
83	do., at 4 Annas ,, ...	20	12	0
85	do., at 1 Anna ,, ...	5	5	0
66	Eucalyptic, at 1 Rupee each	66	0	0
65	do., at 8 Annas ,, ...	32	8	0
1,462	Total...	1,100	13	0

5. Some years ago, Mr. Griffiths, with the concurrence of Captain (now General) F. Cotton, I believe, projected a scheme for the supply of Ootacamund with water from Snowdon and a swamp, the property of Mr. Outchterlony near Marlimund. The project was never, as far as I can ascertain, carried out. Mr. Griffiths, no doubt, laid out money on the north face of Snowdon in the attempt to bring water. But what the amount of the money thus laid out was, I cannot say. The traces of the work, which were in existence, when I first inspected it, do not warrant me in estimating it at more than Rupees 500. I admit that my estimate may be quite wrong; but I speak of things as I found them to the best of my judgment. A gentleman, however, whose name I do not mention, told me that Mr. Griffiths had some years ago been blasting and done a good deal of work on the north face of Snowdon, and that he might have laid out Rupees 1,500 on it; but that he (gentleman) always understood that the work had been a failure, and that the water has not been brought. Major Farewell, who has taken advantage of the remains of Mr. Griffiths's works, has only partially succeeded in bringing water along the north face of Snowdon, and in order to his doing so, he has had to blast the face of a rock to enable him to carry the water at this place along a channel built with brick in chunam. Mr. Griffiths, as I understood, brought water round this bluff by means of a wooden trough supported on iron bars, secured in the rock. Of this trough or bars, no traces remain; at least, I have not seen any. A work of this nature, however, could only have been carried out at considerable expense. An Engineer, I consider, is the only person competent to give an opinion as to the practicability of Mr. Griffiths's general scheme to supply Ootacamund with water, and to estimate the value of the work already done by him in bye-gone years, in view to carrying it out.

6. Mr. Griffiths's scheme embraces the construction of a high-level channel, which would supply his lands, and eventually deliver the water at a point which it now reaches by means of an old channel lately cleared, improved and extended by Government. It also requires that the owners of several houses situated lower down the hill, than the proposed high level channel, should give up their present channels in exchange for new ones to be constructed to bring water on a lower level. So many private interests have to be got over ere the scheme could be carried out, and people are so jealous as to any interference with their channels, that, I fear, little progress could be made in the work, unless Government undertook the charge of the general water supply of Ootacamund—a troublesome and, I fear, expensive work.

From the same Officer, dated 17th November 1865, No. 247.

I beg to forward, for the information of the Board of Revenue, a copy of a letter, dated Ootacamund, November 6th, 1865, received by this-day's post from the Reverend J. Griffiths, with my remarks in the margin. This letter should be taken into consideration when the Board pass orders on my letter to their address, dated 10th instant, No. 231.

ENCLOSURE No. 1.

From the Reverend J. GRIFFITHS, to P. GRANT, Esq., Collector of Coimbatore, dated Ootacamund, 6th November 1865.

Collector's Remarks.

With reference to our conversation on the subject of the Board's orders in the matter of the disputed land and water-courses, I beg to offer for your consideration the following statement:—

It seems to me that in the operations of the Engineer in bringing down the stream from the Northdowns to the new Cour-House, he has overlooked the fact that the water itself, and the greater part of the channel, is my property, on the same ground and by the same right as all other streams which belong to other houses in the Cantonment are their's, and which rights have been always recognised, except in my case.

(1.) Mr. Thomas's remark applied, I believe, to the stream of water running to Mr. Griffiths's (then property Northdowns; but not to the surplus water running from that property, which was subsequently, as Mr. Griffiths has stated in previous correspondence, led by a channel with Mr. Thomas's sanction to Mrs. Coombes's houses, and which channel cleared out, enlarged, and extended, now conveys water to the church.

P. G.

(1.) It was acknowledged by the late Collector, Mr. Thomas, who alludes to it in his letter to the Board, where he complains of my cutting other channels saying, "Mr. Griffiths had already a "copious stream flowing through his grounds."

(2.) The Rielly's stream, a minor one, was purchased by Mr. Griffiths in Mr. Wroughton's time. The actual stream which Mr. Griffiths purchased is not now running, and had not run, I really believe, for some time prior to my arrival in the District. On this point, however, I cannot speak with certainty; but Doctor Pope, no doubt, if referred to, can. There is *now* a channel leading to Northdowns on a lower level than the old Rielly channel from the hill stream from which the original Rielly channel was led off. Finding that the original (Rielly channel

(2.) It was recognised by Mr. Thomas's predecessor, Mr. Wroughton, and adjudged by him to be Mr. Rielly's property, in consequence of which very decision, I purchased the said stream from Mr. Rielly, and so acquired the right thereto. This Rielly's stream I united to my new one at Northdowns.

as I now know it to have been called) channel had fallen into disuse; in fact that it was in a great measure obliterated, as any one can judge for himself by visiting the locality, and wishing to increase the supply of water, in view to supplying the bazaar, I had the new channel, with the aid of one of Major Farewell's men, laid out on a slight gradient.

P. G.

(3.) From a spring on the north side of Snowdon, about two hundred yards from Northdowns, I believe the water has flowed to Northdowns for a long time; but the unfinished channel extends about half or three-quarters of a mile further round the hill. Whether water ever ran in it, I must refer the Board for my opinion to my previous letter. As to the reservation made in General Kennet's Deed of Conveyance, I can say nothing, not having seen the Deed.

P. G.

(4.) I walked along the water-course (Major Farewell's) with Mr. Griffiths, Mr. Polly, and another gentleman. Mr. Griffiths said several times that his water-course ran below the one on which we were walking. This may be true; but I could not see the course referred to. The bushes below were thick, and rendered it difficult to distinguish anything.

P. G.

(5.) On my arrival in the District, one of the first subjects that engaged my attention was Mr. Griffiths's claims about water, &c. I heard all that Mr. Griffiths advanced, and was anxious, if I could, to aid him; but, on inquiry, I found the whole question so involved with the private interests of others that I almost gave it up in despair. I was in hopes that I should, from what I had heard, be able to bring an abundant supply of water from Snowdon sufficient for the wants of all parties, and be thus enabled to overcome their scruples as to necessary changes in their existing water-courses. In view to this desirable end, I had the jungle cleared along the course of the remains of Mr. Griffiths's old works; but after several examinations of the locality by myself,

(3.) Thirdly, it was not, as is supposed by you, given up when I sold the said Rielly's Cottage to General Kennet (including it in Northdowns plan); for, in the Deed of sale there is a special proviso inserted, that "I do hereby transfer all "my right and title to the land included in this "plan, with all the buildings and other property "upon it to Lieutenant-General Kennet for the "sum of Rupees sixteen thousand, four hundred "and forty-one, *only reserving to myself the "right of water-way for the water for the supplying of my land situated elsewhere.*" And it continued to flow through Northdowns, unobstructed, to the other land beyond, and to the Church hill.

This is testimony to the fact of its flowing, which I beg to bring specially to your notice; for I understand you to have been informed that though I cut the channel, yet this water never flowed until Captain Farewell brought it; (1) a mistake which I thought I had cleared up when I showed you my original water-course parallel to Captain Farewell's, and which he has here and there adopted, and the water itself is the identical stream you have supposed was a new one.

It will also be in your recollection that three years ago, you came to me and requested me to point out to you what *streams* were available for the bazaar (5), and I pointed out to you Rielly's and Snowdon's streams and the channels I had cut, the water of which your predecessor had diverted elsewhere, unknown to me, in my subsequent absence. You also asked me if I had any objection to their flowing on *through my land* above the road from Sneddon to the Church hill.

I readily furnished you with all the information you desired, and assented at once to your proposal to take it through the said land, and supposed all along that Captain Farewell had so done. I am also informed that there was no opposition on the part of any other party to the scheme. Mr. Etienne, as Attorney to Captain Richardson, (the only other party interested), having furnished the Engineer with a written permission to take it through the ground of that gentleman, and so on through mine, and which he affirms as follows:—

the conclusion was forced on me that the report of the abundant supply of water that could be brought from Snowdon was a myth; and I am sorry to say that this conclusion has not been shaken in any way since. In the hot weather, the supply of water is very small.

P. G.

"In answer to your's just to hand, Major Farewell called on me, before cu ting the present "channel, to ask if I would allow of the water running through the Oxton House compound "(Captain Richardson's property). I at once consented that he should do so, and was not a little "surprised to find afterwards the course being cut so much lower than I considered it was "originally intended to be."

(6.) On this point the Board must refer to the Engineers.

P. G.

This line has not been taken by the Engineer, and the whole of my land is this deprived of the streams, one of which I purchased; the other constructed at my own expense, and this(6) deprivation has cost me 7,000 Rupees in interest of

I submit that as all other land-owners who have streams to their properties are protected in their rights, I have at least equal claim to the same protection under the same law.

(7.) The Rielly and Snowdon streams are distinct. The former was purchased by Mr. Griffiths, I believe. The latter is the property of Government, I think. That the Snowdon water was brought to the Church by Mr. Griffiths, I cannot say. This is a question for the Engineers.

P. G.

(7.) I beg further distinctly to point to you that this Rielly's stream is not the same as that called Snowdon stream, or Northdowns stream, but that they *unite* at Northdowns, and so were designed to flow on to the Church hill, land and gaol. It has been stated to me that the Snowdon stream is a Government stream *because* the Engineer has spent some hundreds of Rupees in repairing and *altering* the channel; but I submit that if the expenditure of two or three hundred Rupees on "repairing," or altering an old channel constitutes a claim to the water itself, then, *a fortiori*, he who had previously spent not hundreds but thousands on discovering it and surveying and constructing it, and who succeeded in bringing these identical waters not to Northdowns only, but beyond that locality to the Church hill, (which I actually did,) has a title to prior claim to consideration; the more particularly because there was no necessity for cutting a new channel merely parallel to the old one, that channel not only having been cut, but the water having flowed through it for eight years, and before Captain Farewell began his operations it only needed cleaning out. I mention this, because you have, as I am informed, been led to doubt that the water *ever* flowed; a fact which I could establish if necessary by the testimony of fifty witnesses. It supplied my house and grounds when Rielly's stream was temporarily in use elsewhere, and when tenants were in occupation of "Northdowns." There can be no mistake on this point, and I am desirous to give you the fullest information on it, or to submit it to a Committee of residents, who can call one-hundred witnesses to the proof; but to save unnecessary trouble, I offer to show you it again flowing as before through the whole course, that you may have ocular demonstration of the fact, and to do it without any expense to Government if required.

8. I do not quite understand what land is referred to.

P. G.

(8.) I beg to observe, in conclusion, that that land being restored to me, no obstruction whatever will be made by me to the continuation of those streams to the bazaar; but that, on the contrary, I should cut a road through it for a public drive, and add two additional streams to its volume for furthering the object of Govern-

ment regarding the bazaar, and also make the courses all over to Government, with three others now unknown to them, as I have before pointed out to you; if they do not succeed, I am willing to bear all the expenses of the past work and future completion.

(True Copy.)

(Signed) P. GRANT,
Collector.

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1. Ordered that the above papers be submitted to Government, with reference to the endorsement on Mr. Griffiths's Memorial, and with the Board's recommendation that the Collector be instructed to make over to Mr. Griffiths the small plot of land required to connect his properties lying between the Church and Shedden House, and also the plot known as "Garrard's land" free of charge, as compensation for the inconvenience and loss Mr. Griffiths has suffered by the apparently objectless delay or refusal to comply with his original application for that portion, and for the trouble and expense incurred by him in his pioneering operations from which the public are now deriving advantage.

2. It will be observed that Mr. Griffiths offers to throw open to the public one of his private roads, which will be an additional convenience.

3. As to the water claim, there seems to be no doubt that Mr. Griffiths has a vested right, (as reserved by the endorsement on General Kennet's title deed, now in Messrs. Arbuthnot and Co.'s hands, and available for reference,) in at least one of the sources of the supply which Major Farewell has lately conveyed towards the Church. It also appears that the channel, originally made by Mr. Griffiths, has in many parts been appropriated by the Engineer, and that by a change of level at one point, the supply has been carried away from Mr. Griffiths's land.

4. The Board do not clearly understand whether the channels supplying the several houses lower down the hill than Northdowns, referred to in the last paragraph of Mr. Grant's letter, dated 10th November 1865, are fed from the channel lately laid out or repaired by Major Farewell; but if so, there seems to be no reason why these claims should be allowed to over-ride the much older one of Mr. Griffiths, so far at least as the "Rielly channel" is concerned.

5. The fact seems to be that while endeavouring to improve the supply to the residents on the lower level, the Collector and the Engineer have unwittingly done Mr. Griffiths's property a serious injury, which should be repaired as far and as speedily as possible.

6. It would appear from Mr. Griffiths's statement that the water can be carried through his property to the point which it at present reaches near the Church, and that branch channels can be taken off at certain points to supply those houses below Northdown now supplied by Major Farewell's channel. The Board would recommend that this line be at once carefully examined by the Engineer, and that if found to be feasible, the work be carried out at the cost of Government without delay.

7. In any case, the supply formerly obtainable from "Rielly's channel" must be again placed at Mr. Griffiths's disposal, and made available for his land.

8. The control of the water supply derived from the swamp in Garrard's land must be reserved by Government, but Mr. Griffiths should receive a share of the water.

(True Copies and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D.,
with a Memorial, and five enclosures returned.

Copy to P. Grant, Esq., Collector of Coimbatore.

Exd. J. Wright.

No. 2,054.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 22nd April 1865.

Read the following letter from Reverend J. GRIFFITHS, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Cuddalore, 17th March 1865 :—

1. With reference to the last resolution of the Board on the subject of my right to certain lands and water-courses on the Neilgherries, I beg the favor of your laying before them my request to be furnished with copies of the correspondence between the late Collector, Mr. E. B. Thomas, and the Board, and of my letters to the Board, which are needful to place the matter before them, and show them that my claims, which I put forth, are such as will satisfy them of their justice, and that I am entitled to redress for the late Collector's arbitrary proceedings, and to compensation for the deterioration of my property by the abstraction of the water, and the loss of rent by its lying so long waste and unsaleable. As I am now desirous to dispose of it all it is essential to me to have the questions settled. and I would ask the Board to call for any special letters which may be in the records of the Office of the Commandant of Ootacamund from 1845 to 1853, in the District Engineer's Office, and in the Collector's Office, Coimbatore.

2. The Board will, I trust, considerately grant me these, because, in the fire which burnt my house to the ground (at Waltair), and all things in it, I lost every thing that could have assisted me in this matter. The documents will be easily found if confined to letters of—

1. Captain Cotton, District Engineer, and Mr. Wroughton, Principal Collector in 1845-6.

2. Captain Hall, Commanding Neilgherries, 1845-6.

3. Major D. Babington 1853, being a decision on a water dispute with Mr. Lowry.

4. A letter from Mr. Wroughton to Reverend J. Griffiths, *deferring* the *giving* a *grant* for "Garrard's Land" *until* the survey of the Hills should be finished, but permitting its use in anticipation of such grant.

5. A plan of the Cantonment showing all the levels for water as designed by me, and a map reduced by Captain Ouchterlony, showing the water-courses marked out by me and approved by him.

6. A letter from Reverend J. Griffiths to Mr. A. G. Thomas, Collector, offering to complete the work of irrigation for Government during my sick leave.

7. Correspondence between Government and the Board and Mr. Ouchterlony and the "Ootacamund Improvement Committee," (Wapshare, President,) and the order of Government thereon.

8. Mr. Thomas's notes on my letters to the Board in Mr. Drury's time and Mr. Blane's.

3. The Board having resolved that I should be furnished with a plan of the cantonment showing all my holdings, but which was deferred by the absence of a Surveyor to draw it, I beg that the same may be now kindly conceded to me.

The foregoing letter will be transferred to the Collector of Coimbatore, who is authorized to permit Mr. Griffiths to have copies of such documents as the Collector deems it advisable that he should be furnished with, on the understanding that any expense which may be incurred in doing so shall be borne by Mr. Griffiths.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to Reverend J. Griffiths.

Exd. J. Wright.

No. 137.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 10th January 1866.

No. 166.

Recommending that the Collector of Coimbatore be instructed to make over to the Reverend Mr. Griffiths a small plot of land and also the land known as "Garrard's land" as compensation for loss sustained by him.

PROCEEDINGS OF THE BOARD OF REVENUE.

No. 1865. Department.

Dated 22nd April 1865.

Despatched

Received

No. 2,054.

Transferring letter received from the Reverend Mr. Griffiths, and authorizing the Collector to permit Mr. Griffiths to have such documents as he deems it advisable should be furnished.

No. 5,305.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th August 1865.

Read the following letter from the Reverend J. GRIFFITHS, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Madras, 29th August 1865 :—

With reference to Proceedings of the Board, dated 20th December 1859, touching certain lands at Ootacamund claimed by me, of which I have been deprived by the then Collector, I now beg the patient consideration of the Board to the further statements I have now for the first time been able to adduce in refutation of Mr. Thomas's injurious allegations, and in support of my claims for compensation and redress.

Mr. Thomas intersperses his letter with reiterations of my inability to produce documents to prove my case, or to produce collateral evidence of any sort to support it. I think I can now do this to the satisfaction of the Board.

I applied to Mr. Thomas himself for a copy of the old authenticated map, dated 1833, formerly in Mr. Wroughton's office, and used by him in his decisions. Mr. Thomas refused me this, and I understood had given it away to Major Minchin, a friend of his.

As this map was necessary to establish claims and settlements of disputes in 1845, it would have been convenient to me to have been permitted to refer to it. It establishes the fact that at that date no water-course or road existed to which I claim a right now, as constructed at my own expense, and refutes Mr. Thomas's assertion that I only improved and altered old roads and channels, &c.

It establishes the fact that the water I then conducted into the cantonment from the forest was not the property of others, as asserted by Mr. Thomas, for no inhabitants then existed in the locality, and the water ran waste in the dense jungle, which was inhabited then by none but wild beasts of prey.

Happily a circumstance occurred at that period, which affords at least indirect evidence both of my proceedings having been known to, and sanctioned by, the then Principal Collector, Mr. Wroughton. I beg to call the attention of the Board to the more recent map of Ootacamund by Captain Ouchterlony. They will perceive, in the northern sheet of the map, that the house No. 1 belonged to a Mr. Rieley. In the old map this house is supplied by a stream of water from the *cantonment* or south side of the house, but in the new map this is not shown, but there is one colored blue coming from the north or jungle side of the house. Mr. Neave had the cottage marked No. 2, then called by his name, but in the new map Northdowns. No water came to it. Mr. Neave paid two Rupees per mensem to Mr. Rieley for the use of his, and he refused to let me use it without compensation. As this cottage stands, as does also Northdowns on the narrow watershed which connects the great Dobabet range with the cantonment it formed the only point over which all roads and streams must of necessity pass to reach the cantonment from that quarter; and as I had discovered several streams in the forest road the hill called Snowdon in the Dobabet range, I pointed out to Captain F. C. Cotton, the then District Engineer, its importance, as the only line available for future purposes of communication by carts or carriages from Ootacamund to the Kotagherry side and all the northern districts, which, though then jungle might hereafter become inhabited and utilized. Captain Cotton at once proceeded to the spot, and convinced himself of the correctness of this view, and of the value of its position to Government both for road and stream, and he authorized me to proceed to investigate all the accessible localities in view to bring water down, and to mark points for tracing a thoroughfare through Mr. Rieley's land, and on public grounds he called on Mr. Rieley to give up a portion of his garden for those objects.

Mr. Rieley refused and appealed to Mr. Wroughton, whose decision in writing in Mr. Rieley's favor I distinctly remember to have seen, and it declared that no road or thoroughfare appeared in the survey map, and that "if Mr. Griffiths wanted any of Mr. Rieley's land for the construction of the road, he must purchase it, or go to the Civil Court," thus showing his being cognizant of what was going on. I purchased this cottage of Mr. Rieley accordingly, and with it the

right of the stream belonging to it, carried it on to my own house, and proceeded to take the levels, and cut the channel to carry it on to the church, public office, and subsequently the gaol, and great bazar at the District Engineer's particular request on the part of Government, not specified indeed, but tacitly approved of as it was publicly known to all the authorities. Messrs. Framjee offered to subscribe 1,000 Rupees towards its completion. Mr. Higgins willingly gave me a strip of his land to further it, as he should benefit by it, and I never heard until nine years after of any opposition being made of any kind. It must be borne in mind that it was not until several years after, that Mr. Thomas arrived and discovered or conceived the complaints he speaks of against it. The Board will be pleased to note that at this period, 1845, there was no water-course to the cantonment from the north, nor any in fact but Mr. Rieley's stream to his own cottage. That stream colored blue in the new map was cut with great labour and expense through dense jungle and rocks and precipices during several years at great risk personally; for at that time, as I have remarked, there were no villages in that direction, and the forest which began at my garden was infested with tigers and all other wild animals, and who, I may state in reference to Mr. Thomas's strange assertion, were the only parties who used the streams, or to whom it, could then belong.

I refer to these things at length, because they refute Mr. Thomas's statement that my proceedings were unauthorized, and that there are no documents to refer to. He is right in saying *I* had none for the very sufficient reason that he himself refused me copies, and I of course had not the correspondence between Mr. Wroughton and Captain Cotton, but they surely are at the Board's command, and I appeal to them Having shown that Mr. Rieley's stream became mine by purchase, and the northern stream was brought down at my expense, I respectfully ask to whom do they belong? Mr. Thomas himself says that I had a copious stream flowing through my compound, it flowed through to Garrard's land, and thence to my lower land in the cantonment, supplying the public besides. Does it cease to be mine after leaving my garden because it flows through waste land and then into other land of mine? Mr. Thomas asserts and repeats his assertion that, in carrying it on, I deprived others of it to whom it belonged. I meet this with the most unqualified contradiction; there was then no one, no house or garden whatever to which it could possibly flow by its being left in the ravine at the head of which lies this "Garrard's land." Mr. Thomas did not arrive in Ootacamund until years after it had been in use, and the anachronism of his statements I will not waste time to point out. Mr. Thomas arrived in 1849; my work was begun in 1845.

I used Garrard's land until 1855. It was not until that year that Mr. Thomas's after-thought of calling it a "Government plantation" occurred to him, the only conceivable mode apparently by which he could reasonably hope to damage my claim to it, and so be at liberty to cut off my stream.

This brings me to my claim which I would now rather call, renewed application for the plot called Garrard's land.

It is necessary to explain to the Board, by a reference to the map, that this plot is a kind of dingle adjoining Northdowns across which my road passed to the church, and forming a hollow between my garden and the adjoining hill leading on to the church, &c. Across the neck of this dingle I made a dam, forming the road also on it, and thus the waters I had brought to Northdowns were gathered in a kind of reservoir, and thence flowed on to my other lands, the church, and it would have subsequently reached the bazar.

It was plain, therefore, (and it seems to have occurred to Mr. Thomas,) that if this dingle and dam and reservoir could be made public property, I should have no right to claim it or keep it in repair; the dam might be cut through, and the water turned elsewhere.

This is exactly what Mr. Thomas has succeeded in doing.

Ten years (in 1855) after I had used and repaired it, and immediately after my departure from the Hills, he represents the land to be Government land, plants a few trees among mine, and calls it an "eligible site for a Government plantation," and it is concealed from me for four years that this had been done. Then on being called upon to explain, he says, in 1859, that it had been "for many years" a plantation, that I had never occupied it, &c., cuts off the water from my lands, renders them worthless thereby, and deliberately gives my Northdown stream, and that bought from Mr. Rieley, to other parties who did not require it. With regard to other portions of Mr. Thomas's letter, I beg to defer entering into them at present. I shall be able to show that what he writes of Mrs. Baber's land is altogether untrue as to dates and motives. I will only bring to the notice of the Board one paragraph of Mr. Thomas's letter, and its refutation, by which I may truly say all the others may be judged.

Mr. Thomas writes—"I have often had various complaints against his unauthorized encroachments (*sic*) and trespasses of land and water from his neighbours. Of those who still are on the Hills, Mrs. Poulson, Mr. James, Mr. Higgins and others might be referred to."

As the "others" are not named, I could not refer to them, but I did refer to Mr. James and Mr. Higgins (Mrs. Poulson had received compensation), and annex their separate replies in original marked A and B, respectively.*

* In Mr. Clarke's possession, I believe.

The Board will perceive that Mr. Thomas's assertion is utterly refuted. Mr. Thomas then alludes to my acts as chiefly done for my own benefit, and brings forward the statement that the house Northdowns, once mine, is not mine now, and that I have no concern with it.

I do not see the object of his noticing this, unless it were to imply that Northdowns being no longer my property, therefore the water flowing through it is no longer mine; but I am glad that it has been brought to notice, because it enables me to aduce another ground on which my claim to those streams rests; for when I sold Northdowns to General Kennett, a proviso *was inserted on the back of the Title Deeds that the water-courses brought* by me to Northdowns shall not be interfered with, but have free course through Northdowns aforesaid. I leave the rest to the consideration of the Board, confident that I shall meet with a righteous issue at their hands.

The Board gather from the foregoing letter, and from Mr. Griffiths's personal representations, that he is anxious to obtain possession of about nine acres of land known as Garrard's land, in order that he may acquire the command of certain water which he led to this land in former years by means of a channel known as the Snowdon water-course. Mr. Griffiths's claim was rejected by the Board in 1859; but under the circumstances now explained, Mr. Grant will be requested to report how this land is now occupied, and the character of the Government plantation said to have been planted in 1855, and whether there is any objection to its being granted to Mr. Griffiths. He will also state whether there is anything on his records to show that, subsequent to the survey of Ootacamund, any application for the land was made by Mr. Griffiths, and how it was disposed of, and will endeavour to ascertain whether such outlay was incurred by Mr. Griffiths as would give him a title to special consideration, even in the event of its being found inexpedient to grant him the land under ordinary circumstances. As Mr. Griffiths is about to proceed to the Hills, Mr. Grant will be able to ascertain from him all particulars of his claims.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to the Reverend J. Griffiths.

Exd. J. Wright.

1865. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 30th August 1865.

No. 5,305.

Requesting certain information regarding the land in Ootacamund applied for by the Reverend Mr Griffiths.

No. 5,974.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 25th September 1865.

Read the following letter from the Reverend J. GRIFFITHS, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Madras, 11th September 1865 :—

In continuation of my letter, dated the 29th August 1865, I beg to forward, for the further information of the Board, an original letter from Mr. James Ouchterlony, and two others from Mr. James and Mr. Higgins, referred to in Mr. Thomas's letter to the Board as corroborating his statements.

I crave the patient attention of the Board to these documents, because, as they seem to have been led on a former occasion to depend on Mr. Thomas's statements as safe data whereby to judge of my claim, and to decline further interference, I feel assured that a proof of those data being erroneous will, when placed before them, enable them to see just grounds for redressing my grievance.

It may be more convenient for me to transcribe Mr. Thomas's statements, and to place their refutation in parellel columns :—

Mr. THOMAS states as follows :—

"I have often had various complaints against his unauthorized encroachments and trespasses of land and water from his neighbours. Of these, who are still on the Hills, Mrs. Poulson, Mr. James, Mr. Higgins and others, might be referred to."

With regard to this charge, I produce copies of letters from Mr. James and Mr. Higgins. No reply has reached me from Mrs. Poulson, but I learn that she received compensation.

Mr. JAMES'S letter states as follows :—

Ootacamund, 12th November 1862.

To the Reverend J. GRIFFITHS,

DEAR SIR,—In reply to your note of the 10th instant, *I most positively declare that you have never trespassed on my land or water.*

Neither have I ever complained to any one of your having done so.

I remain, yours truly,
(Signed) S. JAMES.
(True Copy.)
(Signed) J. GRIFFITHS.

From Mr. HIGGINS.

REVEREND SIR,—I have received your note, and beg to inform you that I have not circulated malicious accusations against you. I told Mr. Thomas that *I agreed to allow you to cut the road* on the understanding that you would give me water for my terraced house.

If you found that you were not able to perform that promise you should have given me compensation for the injury done to my land. You promised to let me have water from your own land, which Mrs. Coombes *subsequently* took. You had to buy land from Mrs. Riely for the road I believe. Mrs. Poulson received compensation for her's; but I got nothing.

I remain, Reverend Sir, &c.,
(Signed) W. HIGGINS.
(True Copy.)
(Signed) J. GRIFFITHS.

Mr. Thomas's next statement regarding Garrard's land, which Mr. Wroughton in 1845 verbally told me to occupy pending the survey, is so complicated that it is difficult to reply concisely to it.

He seems to wish the Board to understand, that I cultivated it "*contrary to his remonstrances*," implying that he was Collector when I first occupied it; but Mr. Thomas did not appear on the Hills until 1849, whereas my occupation began in 1845. The object of this anachronism is obviously to throw dust in the eyes of the Board, and to corroborate his numerous reiterations of my conduct being "unauthorized."

A further mystification is made by Mr. Thomas in this same paragraph, where he says (his letter is dated, it will be observed, in 1859) "the land *being waste*" (notwithstanding my having cut a water-course and planted trees and cleared it) "was made into a Government plantation *many years ago*."

To this extraordinary assertion, I produce Mr. Ouchterlony's counter-statement,* which can be corroborated, if the Board so please, by many witnesses.

I now beg the consideration of the Board to the fourth statement of Mr. Thomas, which it is most difficult to unravel without being tedious. He states that "*The new* and *unauthorized* water-course was closed; Mr. Griffiths having no authority whatever to cut it, and having another *copious* one through his then property Northdowns."

This paragraph, if it could be explained without personal inspection of the locality, virtually establishes my claim to the "copious stream" and the (so-called) new and unauthorized water-course.

In the first place "the copious stream" he refers to was the two united streams, one from Snowdown cut at my *sole* expense, the other purchased with the property from Mrs. Riely, and the so-called new and unauthorized water-course, is simply a *continuation* of that copious stream which Mr. Thomas here acknowledges I possessed. I cannot, nor have I think need to explain to the Board, why Mr. Thomas calls my own continued channel "new and unauthorized," seeing it was cut by me *years* before Mr. Thomas succeeded to the Collectorate, and what Mr. Thomas really means is that he cut off the channel of the copious stream when it reached Garrard's land, and to justify which act he goes about to claim Garrard's land as Circar property; for the channel emerges again on to my land after passing Garrard's swamp and the reservoir I made there but being cut off by Mr. Thomas at its neck, of course the continued channel is useless.

But in the following year, I find Mr. Thomas actually re-opening my "new and unauthorized water-course," damming up my reservoir again, and then officially awarding my copious stream to one Mrs. Coombes, who actually lived a mile-and-a-half distant, and whose locality was nearly at the bottom of the Hill, so that for that one friend of his, he deprives not only me, and 40 acres of land of the use of the stream in transitu, but many other houses en route which it might supply, (Mr. Higgins among them), and also the Gaol and bazaar to which it was intended to be led, and that without detriment to Mrs. Coombes for whom a large stream, from a nearer source, and *now still remaining waste*, was available.

With this before them, I trust it is not necessary for me to weary the Board with further proofs of Mr. Thomas's inexactness of expression, a confusion of dates, and I only beg leave to point out one more assertion of his, which seems to be a summary of his letter's truthfulness; he writes:—

"*I have cut off no water; deprived Mr. Griffiths of no land.*"

Communicated to the Collector of Coimbatore in continuation of the Board's Proceedings, 30th August 1865, No. 5,305.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To P. Grant, Esq., Collector of Coimbatore.

Copy to the Reverend J. Griffiths, Ootacamund, with original enclosure returned

Exd. J. Wright.

* Letter from Mr. OUCHTERLONY.

Kotaghery, 28th August 1865.

MY DEAR SIR,—In reply to your question about the hollow and swamp near Northdowns, I remember the spot since my arrival on the Hills in 1856. *Most certainly it was no plantation then in any sense of the word.* I cannot call to mind exactly whether holes had then been dug, but there may have been, and also some acacias planted near the edge of the swamp and shola. These, however, were poor and stunted, and the holes made insignificant ones. I remember being given to understand (but erroneously) that the hollow was the private property of some officer who, I supposed, was going to plant the slopes; but for so long a time did I see it in *statu quo*, with its old holes and stunted acacias, when occasionally passing by, that I had the impression given to me that he had abandoned the idea. In the then very limited extent, I do not suppose any purpose would have dignified it with the name of a plantation. I have not seen the place lately, but when last I did, trees had grown up rapidly, as one might have expected in so sheltered a locality, but I should say, though I cannot speak positively from not having specially noticed what was going on, that the bulk of these have been planted *subsequent* to the early year of 1856, and after that I have spoken of.

I am, yours faithfully,

(Signed) J. OUCHTERLONY.

(True Copy.)

(Signed) J. GRIFFITHS.

With regard to my having done these things unauthorized, I beg to append the letter of Captain Francis, then District Engineer under Colonel Cotton, which affords, I think, collateral proof that I acted with the knowledge and consent of the Engineer Department, then I believe authorized to construct such works:—

Letter of Captain FRANCIS, late District Engineer, Ootacamund.

Croydon, 2nd July 1860.

In regard to the road which Mr. Griffiths made from the Church up to Northdowns 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 Lieutenant-Colonel Lawford, when he paid his official visit to the Hills, and I was 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 Colonel Frederick Cotton and 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 Colonel 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's Government in supercession of the Seegoor Ghaut.

The value of a road carefully and scientifically traced, as is that of Mr. Griffiths's, 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 four years ago since it was first included in the list of Government roads, and was repaired at the Government expense.

(Signed) P. FRANCIS, Captain,
Engineers.

1865.

Department.

No.

Proceedings of the Board of Revenue.

Dated 25th September 1865.

No. 5974.

Communicating letter from the Reverend Mr. Griffiths submitting further proofs in support of his claim to certain land in Ootacamund.

No. 5,932.

Proceedings of the Board of Revenue, dated 22nd September 1865.

Read the following letter from the Reverend J. GRIFFITHS, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Madras, 13th September 1865:—

1. To enable me to carry out the intentions of the Board on my prospective interview with Mr. Grant, the Collector of Coimbatore, touching my land at Ootacamund, I beg the favor to be furnished with a sketch map of all the land I hold in Ootacamund in one sheet, including the intervening lots which the space may comprise, and which I can best obtain by an order to the Collector of Combatore to that effect, who alone has the authentic copy of the survey map, by which grants are marked off.

2. I beg also that the Collector of Coimbatore be authorized by the Board to allow me to connect in one grant and in one lot the several squares now in detached plots, but so near together as to be too insignificant for separate purchase, being only a few yards apart. I allude to the land extending from the Church of Ootacamund to Shedden House, the Surveyor having made two boundaries for two lots where one common to both would have sufficed.

3. I am willing to defray any expenses incurred in this concession, or to pay for any excess in the area which may happen to appear, or to cut off a portion of the squares where not required for my road equal to the excess, if so desired by the Board.

---

1. The Board observe that orders were long since issued to the Collector to supply Mr. Griffiths with a map showing all his holdings on the Hills. Mr. Grant will now be requested to do so with as little delay as possible.

2. The Board see no objection to his granting the request contained in paragraph 2 of Mr. Griffiths's letter, if it will not interfere with any private rights. Mr. Grant will be requested to report on this point, and will state on what terms it will be advisable to make over the additional lands to Mr. Griffiths.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Acting Secretary.

To P. Grant, Esq., Collector of Coimbatore.
„ the Reverend J. Griffiths. Ootacammd.

Exd. J. Wright.

Remarks by Sir T. Pycroft.

Mr delay arose on application for certain papers under the rules of Board. Why was title only disallowed after 10 years? —

Remarks by the Hon: Mr Phillips

But it seems very doubtful whether a reasonable excuse for the delay exists - The document should be produced & the Collector required to report upon it.

Remarks by Sir T. Pycroft

Let it be so done, & the case stand over as suggested by the Hon: Mr Phillips, & a letter written to Mr Griffiths to furnish the information required.

Remarks by Mr Phillips,

Can see no reason why this should not be done.

1865. Department

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 22*nd September* 1865.

No. 5,932

Rev. Proc. 26 March 66
Ld R 446

Requesting the Collector of Coimbator to supply Mr Griffiths with a map showing all the lands held by him on the Neilgherries, and to report on that gentleman's request to beallowed to connect in one grant the land extending from the Ootacamund church to Shedden House.

P. 26 March 1866
& Y 446
D 4265

Remarks by Sir T. Pyeroft.

But the promise at the onteside was that the land should be put up to sale on the survey being completed

Do. by Mr. Phillips

In those times the stringent sale rules of the present day were little or not at all observed, I think. —

Do. by Sir T. Pyeroft.

Not so. The rules of Decr. 1849 have I believe been carefully acted on. The papers show two instances in which land was bought at auction under them by Mr. G. thro' third parties. See Mr. Thomas' letter 30th Augt. 1854 p. 6. 7. —

Do. by Mr. Phillips

No doubt they did but they were more honored in the breach than in the observance. —

Do. by Sir T. Pyeroft.

No. I think not. They were in supersession of previous orders and in amendment of previous law practice. and were generally adhered to. —

Do. by — Do. —

He did not promise (could not indeed) under Mr. G's own showing but simply that it should be put up eventually to public sale. —

(2)

Remarks by the Hon. Sir T. Pyeroft.

If he did I cannot see that it makes in favor Mr. G's claim. Neither that the land would ultimately have to be sold by auction. and if he improved it intermediately did so at his own risk.

Do. by Sir W. Denison. —

I do not see that Mr. Griffiths can claim a grant of the land. it might be put up for sale throwing in the Govt. trees which Mr. Thomas chose to plant, a reservation being made of the water rights of the Govt. —

Do. by the Hon. H. D. Phillips

As regards the grant of Mr. "Garrards land" to Mr. Griffiths, I feel disposed to agree with the Board and would let him have it. We cannot, I consider impugn the claims to credibility which a Clergyman naturally possesses, and which any other gentleman would assent. If we accord these to Mr. Griffiths, the land ought to be his and with the trees which Mr. Thomas had no business to plant. —

I would however distinctly stipulate that of such water as may be supplied by the swampy part within the limits of "Garrards land", Mr. Griffiths shall have the right only of reasonable use. that the original right to the water shall be regarded as resting with the Govt. — and that

that the tenant shall have no power to divert it from his own to other land without the knowledge and approval of the Collector.—

As respects the water from the "Reilly land" which, according to Mr. Grant, the present Collector, is not now running, I conceive that much error has prevailed. It seems to me to be perfectly obvious that Reilly had no water title to sell further than that which I have above suggested should be now vested in Griffiths in connection with the grant to him of the Garraud land.—

If the Collector, as seems to be the case, is of opinion that the important piece of land which Mr. G is willing to accept as an equivalent to the grant of a public road thro' a piece of his ground now in his engagement, or rather that of Archibald & Co., may be given to him in exchange for the concession, I would sanction the arrangement.—

I have however found difficulty in basing out this point from the papers and accept the matter as the Bd have put it.—

Remarks by Sir W. Denison

This exchange might be made—

— Dr. by Sir T. Pycroft.

Yes— so far as the usual supply of the Cottage (if still belonging to Mr. G)

Remarks by the Hon. Mr. A. D. Phillips.

No doubt the original natural right to the spring-water rests in the Government; — and therefore I would not recognize any personal right to the "Reilly land" water in Mr. G— But as the Snowdon stream water has beyond any doubt been supplied to the Coombes and the Higginses and others, and as I feel satisfied that Mr. Griffith whether authoritatively or not, had a lion's share of the labor expended in bringing the water from the Snowdon source to the convenient spot near the Dotty-church which it now reaches, on the same general rule of distribution which has benefited the Coombes and others may equitably be applied to such premises belonging to Mr. Griffiths, as the water may be conducted without detriment to its present recipients, it seems to me that it will be only simple justice to order that the Engineer and Collector do at once make arrangements for so diverting the existing course of the stream that Mr. Griffiths shall come in for a share of the Snowdon water.

Remarks by Sir T. Pycroft.—

The Collector and Engineer should in concert arrange for giving either from Reilly's channel or Snowdon channel or both, as much water to Mr.

Mr. Griffiths properties, as can equitably be given them consistently with the fair supply of others - but all this must be done officially and Mr. G - must not be allowed to help himself.

Remarks by Sir W. Denison

Yes - the object is to bring Water from sources at a high level for the use of the inhabitants at large. The highest level therefore should be maintained for the water course, and some stringent rules laid down as to the distribution of the water.

Remarks by the H. Mr. H. D. Phillips.

It is out of the question, I consider, to permit any supersession of the local Engineer by a volunteer from the Clerical depart[t] - and I must distinctly intimate that Mr. Griffiths services will not be used for that or any other Engineering purpose -

21-3-66.

Remarks by Sir T. Pycroft.

Mr. G - should be told to stick to his clerical duties and not to encroach on the province of Officers in the Rev: and P. W. Departments -

Remark by Sir W. Denison -

Yes. T. O. P.

Minute by Sir T. Pycroft 24

The circumstances as regards Mr Griffiths claim to Garrards land seem to me to be these

From Mr Cherry 2d March 59

In 1845 Mr G applied to the then Principal Collector of Combatore Mr Wroughton for this land to enable him 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 Nedgherries -

So much is on record - it however appears that Mr Wroughton allowed him to occupy the land in anticipation of his eventually obtaining a grant on his verbal but official promise to have it put up for sale for me -

From Mr Griffiths to Rev Board 16 March 59

This rests on Mr G's statement - it would appear however from Mr G's account that he did in some sort enter upon

upon the land but could not have expended much money upon it. The estates - Memorial 13 November 1865 - that he "cut paths in the property planted a few trees, cleared out the foundations of a building and ran a water course through it." Mr Auchterlony's letter 28 August 1865 - says that in 1856 little or nothing had been done to the land in the way of planting - whatever Mr G may have done towards the improvement of the property under the alleged permission of Mr Wroughton he did at his own risk and on the chance of his getting the land when sold by auction. He has never paid any assessment on the land

In 1859 on the survey of the Nelson series being completed, Rules were sanctioned by Govt defining the mode in which applications for grants of land on the Hills were to be dealt with. Under these the lands applied for, if the Rev Board approved of the sale, were to be put up

Rules No VI - XV -

up to sale by public auction at an upset price - the woods and streams being specially reserved to Govt -

If his application was not complied with why did he not appeal to the Bd or Govt? His first complaint to the Bd seems to have been in March 1859 - more than 9 years after the Rules were sanctioned by Govt in Dec 1849 -

Mr Griffiths states that on the survey of the Hills being finished he did make an application for Gavaar land - there is nothing on record to prove this - but admitting that such an application was made, if it had been put up to public competition and Mr G would have taken his chance of becoming its purchaser - This indeed all that Mr Wroughton promised him - to have it put up to sale for me "that is on my application -

From Mr Griffiths to R Bd 10th March 1859 -

All that Mr G can in strictness claim now is what might have been done for him in 1850 - viz that the land be sold - with exception of the swamp and wood - and that he may have the opportunity of buying it if the highest bidder -

With regard to the streams brought down to Northdown and thence towards Mr G's houses all that I make out is that with the consent as he alleges of the Engineer officer (who had no power to give such consent) or at least with the acquiescence or non-interference of the local authorities he has been allowed to cut and lead watercourses in a manner most irregular and unauthorized and irregular, and to a

25

assert private rights in them quite at variance with the Govt views and orders on the subject -

I cannot at all agree with the Revd Bd that Mr G had a vested right in Reilly's channel - All that he bought when he bought the cottage was the right to so much water supply as had previously been enjoyed by the occupant - His purchase of the cottage ground conferred on him no right to lead the waters out of that ground & thus deal with it as he pleased - The reservation on the back of General Kennett's title deed is binding only on the parties to it, and not on Govt - Both the Collector & the Board lay it down that in the event of Gerards' land being made over to Mr G "the entire right to and sole control over the water which flows from the swamp situated in it" must be reserved to Govt -

It seems to me that this can only effectually be done by the whole swamp & the wood that protects part of it being absolutely excepted from any grant that may be made of the land, clearly demarcated & reserved to Govt and the grantee debarred from any meddling with it - But in this case the land so curtailed will be of little or no value to Mr G as he has admitted that his original object in applying for

Pro: 16 Jany 166, 43 -

Letter from for the land was to enable him to" Mr G 12 May 1845 quoted in Mr Cherry's letter 2 June 1855 q

set water from the swamp - "The water which flows from the swamp"

I quote Mr Grant's letter 10 November 1865 para 4 - "is one of the many existing sources of supply to the channel now running past the Church, and which it is eventually hoped will convey water to the European and Native Jails, and the bazars below them" What the result would be of giving Mr G the command of this swamp into which I believe the Snowdon channel runs - or of permitting him in any way to meddle with it, may readily be conceived -

All I consider that Mr G has a right equitable if not legal to claim is that so much water be supplied to his house as can be given to him consistently with the rights of others - I concur therefore in the proposal in that behalf made by the Board of Revenue -

in

in para 6 of their proceedings.

I see no objection to the
small piece of land referred to by
the Collector in the first para of
his letter 10th November 1865 being
transferred to Mr. Gow having agreed
in writing to throw open to the pub-
lic use of his private roads.

22/3/66 Signed J. P.

Remarks by Lieut. W Denison

I agree.—

Rev Dept 28

Min

Rec 137

In his Memorial the
Revd Wm Griffiths applies.
I For a piece of land in the
Northern part of Cotacamund,
called "Garrards" land.
II For the restoration of
certain water-rights.
III For authority to carry out
his schemes for supplying the
Cantonment of Cotacamund
with water, receiving reasonable
remuneration if the work be
successful.

As to the first point,
it appears that Wm Griffiths
applied for the land - some
ten Cawnies in extent - in 1845
to

To be put with
GO - 28th March 1866
Nos 445-446

to the then Collector Mr. Wroughton, who officially informed him by letter that his application had better lie over till the completion of the Survey then being carried out by Colls Auchterlony.

Mr. Griffiths asserts that he nevertheless had Mr. Wroughton's verbal permission to occupy and improve it and that he occupied it accordingly for 10 years, on the faith of Mr. Wroughton's promise to have it put up for sale for him.

Mr. Wroughton retired from the Civil Service in March 1851 and was succeeded by Mr. E. B. Thomas who refused to allow Mr. Griffiths to have the land, planted a few trees on it and reserved it as a Govt. plantation. Mr. Griffiths brought his claim before the Board of Revenue in 1859 - when they rejected it.

The Board now recommend that the land be granted to Mr. Griffiths "free of charge, as compensation for the inconvenience and loss which he has suffered by the apparently objectless delay or refusal to comply with his original application for that portion and for the trouble and expense incurred by him in his pioneering operations from which the public are now deriving advantage."

It

+ The trees on it are valued at Rs. 1100.

+ The delay was of his own causing - He as he says his application for a grant under Rule 2 of Dec/46 was rejected why did he not appeal - why let it lie for nearly 10 years?

an uncle & friend of Mr. Griffiths wife?

It seems to me that this course involves a very inconvenient precedent.

The public records show that the officer whose duty it was to deal with the application postponed consideration of it for a valid reason - and they contain no trace of any pledge or promise on his part to make over

× Lord Elcho was doubtless entitled to his absent case of his Land could be fully answered. The domestic element & the warden, all that really left the tenant difficulties are, I fancy, due -

I do not think so. I form that on suggested by H R Secretary any concession made to him f. will form no embarrassing precedent.

Cannot further distinct to Colonel Griffiths that he has been forbidden Mr Wroughton to enter into any negotiations with him for the purchase of land without the sanction of the Secretary of State for War. Mr Wroughton has been informed of this & has also been told that any application for land must be made to the Secretary of State for War.

But the promise to be entered into was

Should be forwarded on the termination of being completed.

over the land. Mr Griffiths has no document - any evidence of any such promise - and admits that it extended only to having the land put up for sale, when of course any one might have bought it, by bidding a higher price - in which case, Mr Wroughton must have known that his promise might not prove

See Secretary's letter

In these times the strongest words of the Secretary of State would be used, I think.

Mr Co. The order of Dec 18th I believe has been complied with on the part of the Government to assistance in which land was bought at auction under the promise

Mr F. Wroughton's Lordship. See Mr Thomas's letter 30 Aug 1859. L. C. S

prove embarassing. The
Neilgherry rules pub-
lished in 1850 when
Mr. Wroughton was
still Collector prescribed a careful en-
quiry to ascertain the
advisability of making
a
the grant, and
if the result proved
satisfactory,

Yes I think Mr. Wroughton was in the Board when the Neilgherry rules were framed

No. I think Mr. Thy was in expectation of previous orders and in amendment of previous bad practice and was generally authorized to.

He did not promise / consent but indeed under misconception - but simply that it with put up contrary to previous rule.

satisfactory, a full report was to be made to the Board of Revenue, and it was only on their approval being signified, that the Collector could proceed to sell the land by auction at the upset price usually of from 8 to 10 years assessment - the sale of the land being thus contingent on the consent of the Board of Revenue and the chances of a public sale it is unlikely that Mr. Wroughton would have promised the land to Mr. Griffiths.

Considering moreover that Mr. Griffiths did not address the Board until 1859 - when as already stated, his claim was rejected - nor the Govt till 1866 - twenty years after his application for the land, the Govt may, I think, fairly

Esquire

require better evidence
than Mr Griffiths brings
forward, that Mr Broughton
privately allowed him to
take possession of the
land while he publicly
desired that the applica-
tion for it should lie
over. If Govt are to be
held liable to make good
unauthorized promises
of their officers - even when
such promises are fraud
and deceit - the conse-
quences will often be
embarrassing -

I do not see that
Mr Griffiths has in any
way made good his
claim - and he has only
himself to blame for any
difficulties which the
labor

If he did I cannot
see that it makes
in favor of his claim.
He knew that the land
would ultimately
have to be sold by
auction - & if he
improved it interm-
-mediately did so
at his own risk

32

lapse of time may
have created -

From Mr Grants
letter it appears that the
land contains a
swamp, the stream from
which is one of the main
existing sources of sup-
-ply to the channel run-
-ning past the Church-
Mr Grant sees no ob-
-jection to the transfer
of the land to Mr Griffiths,
provided Govt maintain
"the entire right to and
sole control over the water
which flows from the
swamp situated in it"
but as this will be al-
-most impossible and
will

will only lead to fu-
-ture disputes and
difficulties, I think
the whole site had
better be reserved for
public reasons. - If not,
the land should be
sold - just as it would
have been if Mr Griffiths'
application had origin-
-ally been complied with -

"There is a small
plot of about one acre
intervening between two
of Mr Griffiths' properties
and this might be given
to him, if Govt see fit -
or sold under the rules -
Mr Griffiths, it appears, offers
in exchange to throw open to the public one of

I do not see that Mr Griffiths
can claim a grant of the land
it might be put up for sale
throwing on the Govt the
Mr Thomas could
a reservation being made of the
water rights of the Govt
WD

As regards the grant of
the "Farrand" land "Mr
Griffiths: Well disposed to agree
with the Board I would let him
have it - he cannot, I consider,
fairly enforce the claim to
credibility of a Clergyman
keepers, and any other gentleman
would apply. If we accord this
to Mr Griffiths the land ought to
be sufficiently
he is in
regard to
I would however
be suitable that of such water as may
be supplied to the swampy part
within the limits of Farrand land,
Mr Griffiths shall have the right
reasonable use - that the original
right to the water should be vested
as water with the Govt and
Crown tenant should have no
power to divert it from her own
bottom land without the consent
of the Collector
as regards the water from
the "Reilly land" which according
to Mr Grant the present Collector
is reduced running, I consider
that much over his property
It seems some what doubtful
whether Reilly had no water
title to all further than that
Mr Thomas above stipulated should
be now entitled to Griffiths in
connection with the Grant to him
of the Farrand land. -
If the Collector, as seems
to be the case, is of
opinion that the

Mr Griffiths' land is a valuable piece of land & he will require a bank-cut on ground on the front of a public road through a piece of his property in the enjoyment, & rather than of Arbuthnot & Co - many he [illegible] to him with the [illegible] the conception, I would sanction an arrangement - I have however found difficulty in [illegible] on this point from the parties and doubt if they will be as the Govt have but it. -

This exchange might be made WD

+ Yes - so far as the usual supply of the cottage / - but this belonging to Mr G / is con- -nected but not by any

his private roads which Mr Grant says will be a convenience.

II. The water rights -

There are two Streams - Viz the "Reilly" and "Snowdon" The former appears to have been for many years the source of supply to "Reilly's Cottage", purchased by Mr Griffiths - His right to this + should, I think, be admitted but it will be necessary to refer to Major Farewell to know precisely the extent of injury done to Mr Griffiths in respect to it and the remedy to be applied -

The "Snowdon" supply seems to me to stand on a different footing - The Neilgherry rules distinctly declared "that Government reserve to themselves, in the fullest manner, the complete

complete control over all Streams, Springs, reservoirs and channels of Irrigation" and even without any such rule, it would never do for Govt to admit that any person can appropriate a spring or stream by merely conducting it to his own lands — passing as, in this case, the channel must have done, for a considerable distance, through Govt land. Any such right is clearly one of sufferance only. From Mr Grant's account the work is practically was abandoned long ago - but under any circumstances Government cannot, I think, recognise any such exclusive right as Mr Griffiths claims to every spring and Stream on the Hills may be appropriated.

III. The grant of authority "to carry out his schemes for a water supply to the general station leaving a reasonable remuneration for the same to follow his proof - in the final result, that the work is a success."

Mr Griffiths states that he is sending a plan of his project to the Colr (at the latter's invitation) Pending receipt of this, and an estimate of cost Government will,

I

undoubted. The original natural right to all running water rests in the Lord Proprietor and therefore does not require any formal right to the "Hilly land" water in Mr Griffiths — But as the Snowdon Stream water has beyond any doubt been supplied to the Coombes & the Hyginbotham and others and as Mr Griffiths expressed that he supplied, whether authoritatively or not, had a clear Chance of the water suspended on bringing down to from the Snowdon Reservoir to the convent & not near Mr Ah Ooll Church — and as the same general rule of Administration who has benefited the Coombes and others may equitably be applied to such persons as belonging to Mr Griffiths, as the water may be considered to without detriment to its present Customers, it seems to me that I would be my simple sentence to order that the Engineer & Collector do at once make arrangements for discontinuing the Coombes supply of the Stream that Mr Griffiths shall come in for a share of the Snowdon water.

The Colr Engineer should in concert with Mr Griffiths for fixing a

or Snowdon channel a boat as must under any such exclusive right as Mr Griffiths proposes, as can equitably be given from continuity with the fair interests of others - but all this must be done officially & he & must not be allowed to help himself

Yes. The best is to bring water from Lower at a high level for the use of the inhabitants at large - the highest level that can be maintained for the water in question, and some stringent rules laid down as to the distribution of the water

WD

I presume, pass
no orders on the ets
subject, and it would
be well perhaps
to fix the remune:
=ration before=
=hand, if Govern:
=ment see fit to
avail themselves
of Mr. Griffiths services
either as projector or
Executive Agent.

Orders requested

L. D.S.

It is out of the question,
I conceive to permit any
supercession of the local
Engineer by a volunteer
from the Clerical depart:
and I cannot intend in:
timate that he respectfully
cannot undertake the
further or any other Engi:
neering purpose—

21. 3. 66

Mr. Thomas's duties
to stick to his Clerical
duties and not to encroach
on the province of Officers
of the Royal Engineers.

From Dr Cheney
2 March 1859-

The circumstances as
regards Mr Griffiths claim
to Land and Seem
to mr to be these-
In 1845 Mr G applied
to the then Board of Comrs
Mr Wrought for this
Land to enable him to
get water from the swamp
Mr Wroughton's reply
was that the subject
had his attention until
the completion of the sur-
-vey of the Neighbourhood
So much is on record
Mr G knows about
Mr Wroughton although
him to occupy the
Land in anticipation
of his eventually obtain:
-ing a grant - on his
own but his official
promise to have it
just when the time
This rests on Mr G's
statement. It would
appear however that the
Board did inform him
that nothing would be

From Mr Griffiths
to R Bd 10 March
1859.

Rules No VI - X V

Mem - Re Applic

land the consideration
has expended much
money upon it - the
states - Memorial 13th
Nov. 1865 that he and
parties in the proposed
plantation have been
charged with the foun-
-dation of a building,
and also a water course
through it - Mr
Orchard Long - letter
28 Nov. 1865 - says
that in 1856 Mr Orr
nothing had been done
to the land in the way
of planting - that on

In 1849 on the
leasing of the Reilly
being completed Rent
was sanctioned by fore-
-closing the mort-
-gage in which application
for grants of land on
the Hills was to be
dealt with - Under
this the lands applied
for, if the Rev Bd approved
of the site, were to be

for

-would be improved - the
-proper - that is
-allegd pre-emption
of the wrongful to be
did at his own risk
and on the change of his
letting the land when
sold - caution - that
his legal appointment
-ment as the land.

If this application was
not complied with they
did not attend to
the Bd or forfeit his
first complaint to
the Bd seemed to have
been in March 1859
more than nine years
after the Rev Bd
was sanctioned
by forfeiture Dec/49

up to the 6 foot Dimen-
-sion as an upright
pier - the wood & the earth
being specially cleared
for

The petitioner states that
on the leasing of the
Hills being finished
he did make an
application for forward
land - There is nothing
on record to prove
this - but admitting
that such an applica-
-tion was made, if
it had been acted
on the land with
the exception of the wood
and the earth, would
have been put up to
public competition
and Mr F. would
have taken his chance
of becoming the pur-
-chaser - This is dark
is all that Mr Wemyss
-temporised him -
It is an important to

From the petitioner.
to the Rev Bd. 10 March 59

~~continued Delamere ... April 1860~~

sale for on[?] that is on my application.—

V. All that Mr J. can in strictness claim now is, what might have been done for him in 1850 — viz that the land be sold — with exception of the swamp & wood — and that he may have the opportunity of buying it if the highest bidder —

With regard to the streams brought down to Northdown & then towards Mr J's house, all that I make out is that with the concurrence of the Survey Officers (who had no power to give such consent) or at least with the acquiescence or non interference of the local authorities he has been allowed

to cut and lead water courses in a manner most unauthorized & complaining, and admits to prior rights in others quite at variance with the provisions & orders on the subject —

Proc. 10 Jan. 66 p. 3.

I cannot at all agree with the Rev. Bd. that Mr J. has a vested right in Reilly's Channel. All that he bought when he bought the cottage was the right to so much water supply as had previously been enjoyed by the occupant.

Queried

His purchase of the cottage ground conferred on him no right to lead the water out of that ground and then deal with it as he pleased — The reservation on the back of Ground Kennedy's title deed is binding only on the parties to

it, and not on fol:
- Both the Colonists and
the Board lay it down
that in the case of fee-
-hold land being made
out of the foreshore
until it should be contd
on the water which
flows from the swamp
i.e. the stream it must
be assumed to form -

It seems from that
this can only effected
- by a door by which
swamp and the wood
that protects part of
it being absolutely
excepted from any
grant that might
made of the land,
clearly demarcated
and reserved to form
and the frontier deben.
- and from any modifi
-cation - But in this
case the land so
conveyed with the
little value to ~~the~~ the
as he has admitted
that his original
object in applying

Letter from Mr J. 12
May 1865 protesting
in the Crown title
2 March 1865

for the land was to
enable him to fill-up
- his from the swamp
"The water which flows
from the swamp" - I
presume the fresh-water
10 ho 1865-pk - "is one
of the main existing
sources of supply to
the channel from swamp
- ming part the Channel
and which it is com
-tually proposed wholly
convey water to it
and that in
Europa Bay
Jetty and the bay
below them - What
the result would be
in fact, if the com.
-mand of this swamp
- with which I believe
the Showton channel
communicates - or of permit
-ting him in any way
to modify with it
may readily be con.
-ceived -

As I consider

Fort, March 20. 1866

My dear Abbott

I think the whole complication would be unravelled by the enclosed, if you have time to read it & put it before Gen. Major Fadnell has sent [illegible] what has totally unnecessary & what has been I should visited, while reinforced on the examining [illegible] sailing

[illegible] that Mr. [illegible] a right spirit, & if not [illegible] telling is that to [illegible] with [illegible] this [illegible] in connection with the rights of others. I can [illegible] in the proper [illegible] that which must be [illegible] of [illegible] proceedings [illegible] I see no objection to [illegible] piece of [illegible] & can [illegible] with the first part of his letter to Nov. 65 being transposed to Mr. L. on his engaging in writing to [illegible] the publication of this private record.

22/3/66.

our expence —
By all means let all the
streams be claimed by Govt
but if so; let it be applied
to all alike — if any other
private rights are respected
why am I excepted?
Several who now have water
and whose claim is maintained
by the Collector, are actually
enjoying the very streams which
I discovered and brought into
the Cantonment at my Expence —
and whose land has been
deprived of its unknown Value

Surely my appeal to
the merest justice will
not be set aside because
I know not of the theft
for a year or two. and after
it is shown that I have
appealed over and over again
to Collector & Commissioner
Govt owe me 12.000 Rs
I have lost ditto by the
loss of the water through Govt
Govt have lost 2/3 of the
stream by Fanendeo's act-
to carry to cancel Jas Sen
Please show this letter to the Commissioner

sailing

Madras, 16th March, 1866.

The Revd J. Griffiths

Dear Sir,

Your letter of yesterday's date has reached us - "We have no wish to sell your land & houses until after the decision of Government respecting your claim is made known" It is for you therefore to press upon the Government the importance to you of passing an order promptly in accordance with the recommendation of the Board of Revenue - The sale will however take place in May or June as we have already informed you - We do not wish to expend more of our money in connection with your properties - Such was neither our intention nor yours when we made you the loan of Rs. 5000 on the security of Messrs Elliot and Marchand. We request that you will forthwith fill up and return to us the Insurance papers we sent you as well as the letter to the Examiner of Claims, and

failing

failing your doing this within three days we
give you notice that we shall place our
claim in the hands of Messrs. Boyson Brockur
& Richard.—

We are,
Dear Sir,
Yours faithfully
R Bulkeley & Co

Memorandum

The Governor thinks my object to be at variance with the object of the Engineer Major Fawcett & the Collector viz That if they restored my watercourses Govt would lose the water whereas all I want is that the water shall run through my land, instead of below it & reach the same point — i.e the Church & the Bazaar in its entire volume — 2. By its restoration to my

orginal line no portion of
the water will be diverted—
the whole stream will flow
to the Bazaar; whereas by
Major Farewell's altering
the course, he has given away
2 thirds of the stream—⅓
⅓ to Dr Popes school. (which
is used solely to flush the
School privies, and then runs waste
to the north out of the Cantonment.
⅓ given to Mr Higgins and
Mrs Coombes; whose houses
are at the bottom of the hills,
consequently, all other above

them are deprived of its
use in toto, and without
any cause for both Mr Higgins
& Mrs Coombes can be supplied
to 3 times the volume, from
lower streams now running
waste through Chasing-Brook
Bridge. It is noted that
I brought the streams into
given to these parties by Major
Farewell 2 years ago, and
the other stream this Dr Popes
has brought into the cantonment
at the expence of the Authorities
without any sole expence

what right had Major Farrell to direct them?

No reference was made to me — no permission asked but them to be carried thro' my Land in other directions than should me; altho' I find that he gave Mr Higgins 1/3 for permission to go thro his

It is true I should not have refused permission for a probable object, but no public object is served, but a public loss sustained, by this diversion of Major Farrells — I engage to add to the steam & Set all Pass as to the Coast Hause & Bazaar if permitted to enjoy my rights of which I have been [illegible] deprived since

W 745 1846

26th March/50

The foll proceeds upon Orders on the three requests preferred by the Revd J. Griffiths in his Memorial of 13 Novr last. These requests are.

1. That a piece of land at Otacamund, some 10 Cawnies in Extent, called "Garrauds Land" should be granted to him

2. That certain private rights in respect to a private Road called "Reilly's Cot. taye" and a channel

[illegible]

be restored to him.

III. That he should be authorized to carry out his scheme for supplying the Station of Otaca: and with it related his remuneration being dependent on his success.

The circumstances as regards the first claim are briefly as follows.

In 1845 Mr Griffith applied to the then Colr Mr Wrenghton for "farriardi land." and Mr Wrenghton replied officially by letter that the subject "had better

lie over until the completion of the Survey of the Neil-sherries."

This much is on record and admitted by Mr Griffith himself.

Mr Griffith's Answer as to Statement. Mr Griffith's official and under the circumstances further reply Mr Wrenghton permitted him to occupy the land and that he accordingly entered upon it, on Mr Wrenghton "verbal but official promise to raise it

put up for sale"
for him.

This rests on Mr. Griffiths' statement there being no evidence oral or written of any such promise.

I should add from Mr. Griffiths account that he did enter upon the land, but he could not have expended much money upon it. He states that he "cut paths in the property, planted a few trees, cleared out the foundation of a building & ran a water course through it." But

whatever Mr. Griffiths may have done towards the improvement of the property under the alleged permission of Mr. Wrayton, he clearly did at his own risks, on the chance of his getting the land in which he has never paid any actual wealth on the land.

In 1849, on the Survey of the Neilsherries being completed, Rules were sanctioned by Govt. defining the mode in which appli-

cations for land
should be dealt with
under these rules,
if the Rev. Bd. approve
of their sale, they are to
be put up to pub.
lic auction at an
upset price - the
words & the arms
being specially re-
served to Govt.

Mr Griffith states
that on the survey
of the Hills being
finished, he did
make an applic-
ation for "farrard's
land." There is
nothing on record
to prove this - nor
does it appear
when the hearg. of his ap.

Rules VI & XV

complied with, he
did not promptly
appeal to the Bd.
of Rev. or Govt. and
place the matter before this
first complaint
to the Bd. of Rev.
seems to have been
period in March
1859 - more than
nine years after the
Hilly Jerry Rule
were sanctioned
by Govt. and 14
years after his
first application
to Mr Wray when
he did not serve
the notice until
March 1851. fifteen
months after the
Rules were struck

N.B. Mr. Morshead
on a case alleged
certain pleas under
Mr Griffith's former
claim which was
returned late March 1857.

The Bk rejected Mr Griffiths' application and now after a further interval of six years - or 20 years after his first application Mr Griffiths objects.

And in stating him. ever that at Mr. Griffiths did make application after survey of the Neighbourhood had completed, it is clear that if it had been complied with, the land, with the reservation of the wood & ~~water~~ supply secured in it, would have been put up to public competition and Mr Griffiths would have had to take his chance of becoming its purchaser - This indeed is all, that, as he himself declares of Mr Wrightson permitted him - ~~to have the land~~ "to have it put up to sale" for him -

All therefore that Mr Griffiths can in strictness claim now - is what might have been done for him

From Mr Griffiths
Wth Bk 10 March
1859.

in 1830 — by the Act
the Land to be held
by the Ld — with the
Reservation of part
of the Marsh &
Swamp — and
that he Mayor
have the Option
-ority of buying
it if he should be
the highest bidder
Both the Corp. &
the Ward urge that
in the event of
"Farrard's land"
being made over
to the Trustees "the
entire right & sole
control over the water
which flows from
the Swamp in it"
should

Sp
be retained
by Corp. The Corp. write
1st "the water which
flows from the
Swamp is one of
the Main Existing
Sources of supply
& the channel now
running past the
Church & which
it is eventually
intended to bring the
Bay water to the Ex-
change & Market
Yards and the
Bay as far below them"
The object of
the Corp. & the
Ward can be effectually
secured

only, by the whole
Swamp & the most
that protects part
of it, being absolutely
Excepted from any
part that may
be made of the
land - clearly
demarcated &
with sufficient
marginal means
of access ~~strictly~~
restricted to
the holder of the
land being de-
barred from in
any way meddling
with it.

If the principle
declines that the
land thus cut

tailed should be
put up to sale, the
Govt will adopt
the necessary means
in accordance with
the present rules.

Under any cir-
cumstances the
Govt will carefully
protect the Swamp
& Streams flowing
from it & whatever
what he may be.

As regards the
streams ~~through~~ led
from Swamps by
the principle, it is
clear that with
the Consent, as he
alleges - of the Su-
perior Chiefs (who
had no power to

5

pie such circ-
-leit for at least
with the acquies-
-cence or non-in
-terference of the
Local authorities
Mr Griffiths has
been suffered to
cut & lead Water
Courses through &
over land in a most
unauthorised &
irregular manner
and asserts
private rights in
them prior to &
Paramount with
the heirs & orders
of Lot on the Subject
The Pltf cannot
at all agree with

the Bill that Mr
Griffiths has
resisted right in
the channel which
he calls "Reilly's"
all that he bought
when he bought
the Cottage was the
right to so much
water subject as
the previous owner
had terminated
enjoyed - His pur-
-chase of the
conferred on him
no title to lead
the water out of
that ground and
then deal with it
as he pleased -
The Defendant
the back of Serv
Kenneth's title deed

is only binding as
the parties both
and not on their
feet.

Similarly the
Surveyor tribally
clearly belongs to
the feet and both
being indicated
L. sees fit to
cut a channel
from it.

That while the
declining owning
body obtained
the permission
of the Surveyor right, the
feet can cure with
the Act of Parl. that
a fair distribution
of water should
be made among the

permitted having
regard to the claims
on it. The Civil
Engineer will
therefore in con-
cert arrange for
such a distribution
and direction from
Reilly's or the
Surveyor channel
or both, prior as
much water to
the permitted users
parties as can equi-
tably be given to
them, considering
in it the fair value
of others & the
public requirements
for the fair Le-
thing being done the
Collector will take care

that such duties
shall cease & determine
& be void.

As regards the
publication thereof
referred to, the first
duty will be the
services - and
desire that he
will abstain from
encroaching on
the province of
officers in the
Revenue & Public Depts

The first Con-
sent to the trans-
fer to the publick
of the female prison
of Land reserved

by the Act Vict. 12
Cap. 8. Sect. 4, after
his executing
a written agree-
ment stating
upon the principal
and subsidiary
allowance is made
and engaging
to abstain from
doing any thing
which will in-
terfere with the
ordinary duties
of the police or
otherwise impair the
efficiency of such
Police Magistrate.

J. O'S

14 To the Board of Revenue Dec 29 Board
1 To the Collector of Carrickfergus
21 " the Public Works Dept
1 " the Board of Presentments

261

30-8-06

Revenue 1866 Dep^tt.
Pro. of Govt for March
No 745.

Pro. of the Madras Govt.
D/ 26. March/66.

From R^d Griffiths - dated 21st June 1866 Cor.
1785. & Pro. 25 June/66 No 533-534

Pro. of the Board of Revenue
D/ 13th March/67 C^t 697 & Pro.
19 March/ No 95.

From the Rev^d Griffith dated
17th July 1867 No 1918.

Pro Board of Revenue D/
8 April/68 C^t No 1265.

Passing orders on the
subject of the Rev^d Mr.
Griffiths' application
for certain land on the
Neilgherries.

No 245 & 446