M.R.O. 14—18,000—27-9-54

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2091 Press ~~Mis.~~

95-96

Dated 6—9— 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 6th September 1867.

No. 95. Read the following letter from the Reverend J. GRIFFITHS, to the Secretary to Government, Revenue Department, Fort St. George, dated Ootacamund, 17th July 1867 :—

1. I have the honor to annex copy of a letter from the Collector of Coimbatore, having reference to paragraphs 13 and 14 of the Order of Government, dated the 26th of March 1866, No. 745, and hope I may be permitted to address, with all respect, a few remarks to the Government upon the subject to which it refers.

2. The object held in view in the reservation of the wood and swamp in Garrard's land, is to ensure the flow of water from the swamp being available for the supply of the channel running past the church.

3. But I would humbly submit that this was what I was striving to do at the time of my action in Garrard's land, so far as designing to utilize this water for the eventual use of a channel past the church and to the bazaar. Indeed such is naturally its direct and only use when not left to run to waste.

4. The absolute control over the flow of this water I would cheerfully leave in the hands of the local Collector and Engineer, and bind myself strictly to do so. It would only leave the stream to subserve what, I would respectfully represent, has been the ultimate aim of all my work in existing streams, and in the discovering of new sources of supply, the furtherance of the general interests and comfort of the station.

5. With the proviso against my interference with the water flowing from the swamp (unless under circumstances that might induce the Government to give special sanction for it, but not without this), I would earnestly pray that the Government would be pleased to re-consider the decision given in paragraphs 13 and 14 of the Order quoted above.

6. It is admitted that I did exercise certain quasi rights of property within this land at the time when I entered upon it, under the then Collector's verbal permission; I may be permitted to claim that I should not have done this unless satisfied of eventual possession under the usual title.

7. That under the new rules the land would have been put up to sale, I do not dispute, but I respectfully beg the Government to consider that such sale was in those days (now twenty-two years ago) a mere nominal act. There was no competition, and land especially in so remote a situation, passed to the applicant as a thing of course. But now the position of affairs is entirely altered. No applicant is sure of the land he has selected, and competition is engendered for an imaginary value according to the supposed discrimination of the selector; and under such circumstances I should entirely lose the position which would have been mine had the ordinary course in respect of application for land been pursued towards me at the time. I may also, I trust, be permitted to bring to the notice of Government that this land was not regarded exactly as other waste land; that it had been formally granted to Colonel Garrard, and only given upon his death; that I applied to his relatives, who are also connections of mine, to know whether they wished to retain possession of it, and, on their relinquishing all claim, and permitting me to take it, I offered to pay the quit-rent due up to date, instead of waiting for a new formal grant on completion of the survey, which Mr. Wroughton, the then Collector, stated as the reason for delay.

8. At the period of my first application, and during the ten years I exercised quasi rights in it, I was encouraged by all the higher authorities to open out the locality for rides for the community, for it was then a wilderness, and the forest up to my house, then North Downs, was infested with wild beasts, and only approached by day; no Natives could be induced to remain there at night, or settle near it. It was through the occupation by my family of that locality that they were emboldened to take up the waste land around, which now exhibits flourishing gardens, and returns a considerable revenue to Government; and the roads I constructed afforded the necessary communication for carts to the station and the villages further to the north. I hope I may without arrogance add that it was I who suggested and cut, at my own expense, the very channel which was to utilize the water from this very swamp and carry it to the Church, Gaol, and Bazaar, the very object Government has in view; but by the construction of this road and the opening up the locality, I have unexpectedly furnished a weapon by which competitors will deprive me of the land in question under the present Order.

9. I pray Government to take all these circumstances into their consideration, and I humbly trust that, should they be unable to award any compensation for the outlay expended on the water-course, which for the most part has been adopted by the Engineer, they may be induced, with the reservation above spoken of, to authorize the renewal of the grant to me under the value as existing at the time of my application for it, and as a special case.

From the Collector of Coimbatore, to the Reverend J. GRIFFITHS, Ootacamund, dated Coimbatore, 2nd July 1867, No. 250.

1. I have received your letter of the 27th instant.

When I went to Ootacamund in May I found he was at Coimbatore, I went down to Coimbatore, and found he had left for Ootacamund.

J. G.

2. I fear I shall not be able to meet you on the hills for some time, as I only left them on the 25th instant, after a somewhat prolonged residence. It is to be regretted that you did not address me whilst at Ootacamund.

3. With reference to the land thus curtailed, alluded to in paragraph 14 of the Order of Government, communicated with their Proceedings dated 26th March 1866, there can be little or no difficulty in distinguishing it, as by paragraph 13 you will observe it embraces the whole swamp and the road that surrounds it.

But no line of demarcation has been made. He has informed me verbally that nothing has been done about the water-course rights, referred to in the Order of Government.

J. G.

No. 96. ORDER THEREON, 6th September 1867, No. 2,091.

Miscellaneous.

1. The Government, on review of all the circumstances of this case, consent to modify their decision regarding "Garrard's land" to the following extent.

2. The Collector will demarcate, as a Government reserve for public purposes, the entire swamp and the protecting belt of trees round it, and will have the remaining area accurately measured, and offer it to Mr. Griffiths *without auction* on condition of his paying quit-rent for it retrospectively from 1845, when he first applied for it, and in future, at the rates which were then in force on the Nilgiris for building sites, viz., Rupees 5-4-0 yearly for one Kani for the house site, and Rupees 1-2-4 yearly per Kani for the remaining area.

Proceedings of the Madras Government, Revenue Department,
6th September 1867.

3. In the event of Mr. Griffiths accepting these terms, it must be distinctly understood that the Government reserve to themselves the right of leading the water from the swamp and distributing it as they may think proper.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Reverend J. Griffiths.
,, the Collector of Coimbatore.
,, the Board of Revenue.

Exd. S. T. Augustin.

Lev. DEPARTMENT.

No. 1918

From Revd. J. Griffiths

Dated 17 July 1867

FOR ORDERS.

1. I have looked thro' these papers again and must confess thinking that as regards Tarrant land W. Griffiths has been badly treated.

It is very evident that by not getting off for years for there is no rule that he applies but is enclosed at intervals. His portion of the land & give him the option now of buying the land under present rules. is not to place him in the position that he wd. have occupied had that application been disposed of under the rules & time under

2.

3 there was really little or no competition for building sites in 1865. when Rev. G. first applied and the first rule for sale arose on of later date (1869). Had W.G. obtained the land in 65 or paid

4 Rent must for it. at the date the rule in force. £5. 5. 4. for 1 Rent for the building site = £1. 2. 4 per for the compound. he wd. in 22 years owe £

the first time been fixed for the 24th of April next, assuming that the case is then ready for hearing.

I do suggest that the Defendants should have the benefit of the proposed arrangement under this order that plaintiff & his witnesses should be examined in the first instance, & that the Defendants should be at liberty to examine their witnesses after the plaintiff's case is closed.

6 - I gather from the last paragraph of Mr. Roupell's letter of the 26th that he would be glad to know the views of Mr. Bacon & Mr. Leonard before carrying out the proposed arrangement on this point.

J.K.

As the family of the late Colonel Leonard, M.E would still retain the property in what is now called "Leonard Land", in spite of Mr. Griffith's & Mr. G's rights or wrongs, & as undivided by various certain questionable rights of property in the land, in the event of the decease of eventually recovering the land from Mr. Collis Brayshaw under a sale by auction, which in 1849 would have been a mere farce of sale;

for another day, so one cares to complete for land but not for sale, I think the Court may, as a special case, renew in Mr. Griffith favor the grant of Leonard land, on payment, as proposed by Mr. Seeley Reeder bill in hand of the Defendants, by Mr. Griffith & the Court will in answer and consideration whom the same rate of fair rent.

I don't clearly understand what Mr. Griffith wants modified in the order of the 26 March 1866 page 13014. I cannot see how modify that order in the slightest degree.

W.R.

I would not modify the decree of 13 March 1866 in the manner suggested by Mr. Griffith, but I would add a clause to the effect that the Defendants should not cut down any more timber on the property in question, except for the purpose of clearing land for cultivation, & that they should be restrained from exporting any timber so cut down.

W.K.

2091.

Proceedings of the Madras Govt. under date the 6th Sept. 1867.

Read the follg. letter from Revd. J. Griffith Dotacamund.

Forwarding copy of letter from Colly. of Coimbatore regarding his property at Dotacamund, and praying to award any compensation for the outlay expended on the water course, and to authorize the renewal of the grant to him under the value as existing at the time of his application for it.

(Here enter 17th July 1867.)

The Govt. on review of all the circumstances of this case consent to modify their decision regarding "Carnarden land" to the following extent.

The Collector will demarcate and Govt. reserve for public purposes the entire swamp and the protecting belt of trees round it and will have the remaining area

in exception from any grant of Kanaiyan land that may hereafter be given or taking over charge — It is also considered would not object to letting Mr. Griffith have certain Kanaiyan land on the terms proposed by the Divisional Secretary. But it might be pointed out to the Collector and left to his discretion how he is aware of any reasons why this may not be done in a special case — My fear is that it might form an inconvenient precedent and be made a plea for detaching from the Govt. land lying in Native Cultivancy

I would also suggest that the Govt. be requested to forward the correspondence for my information

Dated Ootacamund 13th Sept. 1867.

area accurately measured and offer it to Mr. Griffiths without auction on condition of his paying quit rent for it retrospectively from 1845 when he first applied for it and in future at the rates which were then in force on the Nilgiris for Building sites viz. Rs 5-4 yearly for 1 Cawni for the House site & Rs 1-2-4 yearly per Cawni for the remaining area.

In the event of Mr. Griffiths accepting these terms it must be distinctly understood that the Govt reserve to themselves the right of leading the water from the swamp and distributing it as they may think ~~proper~~ but that a fair share of the supply will be allowed to the occupant of "Lamard's lands" and he will not be debarred from the ~~privilege of~~ grazing cattle ~~over~~ in the swamp, unless it be found necessary to exclude cattle altogether from it. (X)

[illegible]

I agree with Sec[illegible] Paragraph. I would omit the paragraph about water and that about cattle. If the swamp can be grazed with advantage the grazing might be let for a yearly sum to the proprietors of the adjacent lands or otherwise. I would not let Mr. G. into the swamp. He will get his share of the [illegible] major[illegible] [illegible] (general rules applied) N.

I would omit this - Para 19 and G.O. 20 Dec last [illegible] being given to Mr G's pro[illegible] swamp or from other [illegible] consistent. [illegible] without making any [illegible] in regard to the swamp [illegible] has a proposal [illegible] -don [illegible] managed [illegible]

[illegible]

G.O. 26 March 1866 [illegible] R. J. Griffiths [illegible] supply from [illegible] Collr of Coimbatore [illegible] Board of Revenue [illegible] Mr G.

(X) If any earlier papers appear I would object to this - but I don't see that Mr G. has asked for it and it is a dangerous concession to one of Mr G's character.

[illegible]

Revenue 1867 Despatch
from Govt of Madras

No. 2091.

from Govt Madras Govt
of 6th September 67

Rec'd 8th April 68 Cwt 1205

G. O. No. 445-446
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