M.R.O. 1—30,000—16-10-32.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 632 Press Nil

260-262

Dated 9th March 1869

Not to be folded or roughly handled

33/13-2-3

Read the following:—

No. 240. Proceedings of the Board of Revenue, dated 4th November 1867, No. 7,214.

Read the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated 10th October 1867, No. 274.

1. I have received Proceedings of the Board of Revenue, dated 13th March 1867, No. 1,567, and as directed in paragraph 1 of their Order, I at once took steps to arrange for the proper distribution of the water.

* Sent herewith.

2. A plan and estimate* of the cost of putting the channel in order, in view to a full supply of water flowing in it at all times, was procured through the Superintending Engineer. The cost is Rupees 1,830.

Mr. J. Hunter.
" E. Smith.
Captain W. Fuller.
The Agent of the Indian Carrying Company.

3. On receipt of these papers, I addressed the marginally noted parties as being most immediately interested in the subject, requesting that they would let me know whether they would be prepared to pay their proportionate shares of the proposed expenditure.

Mr. Hunter alone has replied in the affirmative.

Mr. Smith has applied for copy of a letter I never wrote.

Captain Fuller, who has been twice written to on the subject, has sent no reply, and the Agent of the Indian Carrying Company has not sent a final answer.

I am now at a loss to know what further steps to adopt.

Mr. Hunter's compound.
Mr. Smith's do.
Captain Fuller's do.
Public Buildings.
Indian Carrying Company.

4. The compounds of the marginally noted parties will benefit, and the expenses should, I think, be borne in the proportion in which their owners respectively benefit.

I. Mr. Hunter.—He has two houses to be supplied; let him, therefore, be put down for two shares.

II. Mr. Smith.—He has one house, he should pay one share, or perhaps as the water has been flowing for years to his place, he may, be considered entitled to water free of expense.

III. Captain Fuller has three houses; without water they will be very badly off; he certainly should pay for three shares.

IV. The Indian Carrying Company should pay for one share.

V. The public buildings containing the Police Station and Lock-up, the Inspector's quarters, the Post Office and Postmaster's quarters, and the Sub-Magistrate's office, should pay for three shares at least, if not more, as without this channel they will be left without water, and Government will be put to permanent extra expense to procure it.

A

The case will then stand as follows:—

Mr. Hunter	2
Mr. Smith	0
Captain Fuller	3
The Indian Carrying Company	1
Public Buildings	3
	9

The original cost (Rupees 1,830) distributed over the nine shares will give 204 Rupees as the value of each share. I fear, however, that some of those who should contribute to the construction of the channel will not be willing to do so, and such being the case, I recommend that the channel be constructed at the expense of Government, and that each party be called on to pay so much per annum for his water. To this plan, I believe, no one will object. Suppose the channel costs Rupees 2,000, instead of 1,830 as entered in the estimate, twelve per cent. on this sum would come to Rupees 240. I put the interest at this rate, as cost of repair has to be provided for. Monthly pay of one Lascar to look after the channel 8 Rupees, or 96 per annum. Thus 336 Rupees per annum has to be provided, and this divided into ten shares—Mr. Smith's one share being taken into account in this calculation—gives Rupees 33⅓ per share, or from—

Mr. J. Hunter, two shares, or Rs.	67	3	2	per annum, or Rs.	5	9	8	per mensem.
Mr. E. Smith's one share ,,	33	9	7	,, ,,	2	12	9	,,
Captain Fuller, three shares ,,	100	12	10	,, ,,	8	6	5	,,
Indian Carrying Company, one share, ,,	33	9	7	,, ,,	2	12	9	,,
Public Buildings, three shares, ,,	100	12	10	,, ,,	8	6	5	,,
	336	0	0					

Half of this sum should be collected, I think, every six months in advance. This course, if approved by the Board and Government, will, I believe, be the means of settling a long vexed question to the satisfaction of all parties, and of insuring a full regular supply of water to the south sides of Coonoor. The water channel would be under the control of Government, and, in the event of any new houses springing up, they could be supplied without any valid objection being raised by the parties previously supplied.

Enclosure No. 1.—Plan.

Enclosure No. 2.—Estimate.

The Board are of opinion that Mr. Grant's scheme is, on the whole, an equitable arrangement, and well calculated to solve the difficulties hitherto experienced in regard to the water-supply under reference. Before submitting it to Government, however, the Board desire to know, whether the parties chiefly interested are willing to consent to the terms proposed, and how Mr. Grant proposes to enforce their compliance should they refuse. If each property is held on the old form of grant, which gives the Government the absolute right in all water-courses, there would be no difficulty, as the supply of water might be refused to any non-consenting party. Mr. Grant is requested to report upon the point.

2. The Board also think that as twelve per cent. is to be charged on the original outlay, the channel should, in future years, be kept in order at Government expense, and that the quantity of water to be taken by each of the parties should be defined in some way. The Collector's views on these two points should be submitted.

No. 241. Proceedings of the Board of Revenue, dated 28th January 1869, No. 593.

Read again letter from the Collector of Coimbatore, dated 10th October 1867, No. 274, recorded in Board's Proceedings, dated 4th November 1867, No. 7,214.

Read also the following letter from the Collector of Coimbatore, to the Secretary to the Board of Revenue, dated Ootacamund, 20th April 1868, No. 118:—

1. With reference to the Proceedings of the Board of Revenue, dated 4th November 1867, No. 7,214, requesting to know whether the parties chiefly interested in the supply of water at Coonoor are willing to consent to the terms proposed, and how Mr. Grant proposes to enforce their compliance should they refuse, also to report on the form of grant on which each property is held, I have the honor to state that Mr. Grant having communicated with the parties concerned, Messrs. Hunter, Smith, and Fuller; Mr. Hunter alone consented, Mr. Smith declined to pay, and Captain Fuller declined to move in the matter, as he derives his supply from Mr. Smith. No final reply was received from the Indian Carrying Company. Copies of their replies are annexed.

2. As regards the tenure on which the several parties held their properties, Mr. Boyson is still the registered Proprietor of Woodcote, now occupied by Mr. Smith, for which there is neither Puttah nor Title Deed.

Mr. Lascelles occupied the land about twenty years ago, and built a house and conducted a stream of water to it without permission sought or granted; when it came to notice that he had done so, Mr. Lascelles was allowed to hold the land on payment of quit-rent as per marginal correspondence. A Memorandum of the history of the channel is annexed.

Extract from the Proceedings of the Board of Revenue, dated 15th May 1848.
Letter from J. C. Wroughton, Esq., Principal Collector, dated 19th Sept. 1848, No. 79.
Extract from the Board's Proceedings, dated 23rd October 1848.

Captain Fuller holds his land on a terminable lease (ninety-nine years), since converted into a Permanent Puttah or Title Deed with reservation of water to Government.

Mr. Hunter has an ordinary Puttah, acquired from the original native Puttahdar.

The Indian Carrying Company hold their land, a building site, acquired from Messrs. Wilson and Co., on a Freehold Title Deed under the rules of 1859.

3. If it be determined to cut, at Government cost, a channel to supply all the parties interested, it will fall to be considered, whether properties having

already a supply, and to whom an equal supply at least should be given, can be called on to pay for the same. Mr. Grant in his letter to the Board of Revenue, 10th October 1867, No. 274, proposed to exempt Mr. Smith from the payment of a water-rate.

4. It would be desirable on many accounts to obtain a better supply than is at present conducted, which might be done in the manner proposed by the former Engineer, Captain Shaw Stewart. One of the objectionable features of the present channel is, that it is contaminated by passing through a village on the old Ooty road, so as to be unfit for drinking purposes, also a much larger supply than at present might be secured.

5. Say that the scheme of a new channel be carried out. The Woodcote property would be entitled to its present supply as gauged, with or without payment, as the Board may determine; if there is an available surplus, and it be applied for, it would be charged. I imagine it would be for Captain Fuller's benefit to have a larger supply than he now derives from the surplus after it passes Mr. Smith's land; if so, doubtless he will apply for it. Mr. Hunter seems inclined agree; the supply of water to the Government buildings will be paid for or allowed for in the estimate by Government.

6. Strictly speaking, there is no right of water to any party, as the water was originally taken without the permission of Government. Mr. Smith claims the water as a prescriptive right undisturbed for twenty years. If the supply be increased fivefold, as seems to have been anticipated, there will be a fourfold amount to be distributed by the new channel, and to be charged for to the parties applying for the same.

7. I think that the mode in which the supply could be distributed, would be by pipes or openings of a certain diameter from the main channel. It would be first necessary to gauge the total supply before a division could be made.

8. The question as to whether, on a water supply being provided by Government, which affects existing interests, a charge should be made to parties who have already a water supply, would require to be settled.

9. Parties buy land perhaps on the strength of seeing that it has a water supply, and consider the same as their property. To bring them water which they do not want, or, in default, to cut off the supply which they have, seems a hard case, though it may be strictly just. I would, therefore, propose that Mr. Smith's supply be carefully gauged, and that provision be made for securing a like quantity without payment to Woodcote, should the new channel take the supply from the old and original one

10. A larger supply being secured by the new channel, it should be divided and charged for by volume in due proportion to its quantity. The maintenance of the channel should be by Government. The water charge should be such as to return some interest on its original cost, and on the expense of maintenance; 12 per cent. would be moderate.

11. Four petitions as per margin are herewith returned.

No. 1,153 of 1867.
,, 3,505 of ,,
,, 3,669 of ,,
,, 513 of 1868.
together with the Survey map.

Proceedings of the Madras Government, Revenue Department, 9th March 1869.

ENCLOSURE No. 1.

From J. HUNTER, Esq., to the Collector of Coimbatore, dated Coonoor, 10th December 1867.

I have the honor to acknowledge receipt, this day, of your No. 478, of yesterday's date, in the matter of the Public Water Channel for this (the south side of Coonoor). I quite approve of your scheme, which I think highly equitable, and should be most glad to see carried out without delay, as I, with others, have suffered much inconvenience from the want of such a channel.

2. I shall be most happy to pay the amount of share apportioned to me in your letter under reply, and trust the Board will allow the work to be commenced at once, if the majority of the votes are favorable; if not, I would gladly pay an increased share to avoid further annoyance and delay, provided I benefitted in proportion by my supply of water, and that it were brought down on the upper instead of the lower side of the road.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURE No. 2,

From Mr. E. SMITH, to the Collector of Coimbatore, dated Coonoor, — December 1867.

1. In reply to your letter, No. 479, of the 9th instant, I beg to state that I am not in a position to pay the sum required by you for the making and keeping of a new channel; that I have a sufficiency of water for all private purposes, as well as for supplying the public buildings, Indian Carrying Company, and Captain Fuller's properties, as long as my channel is not tampered with, and water diverted by Mr. Hunter, sanctioned by you.

2. Such being the case, the expenditure of 2,000 Rupees by Government, as suggested by you, would go only to *benefit Mr. Hunter*; although I have in my own right a sufficiency of water, and Mr. Hunter nothing, yet you request me to pay in the same proportion, my house having been built for nearly a quarter of a century, during which time Woodcote Channel has been in existence, having been made by Mr. Lascelles at *his cost* when he built the houses, and therefore having had a prescriptive right for three and twenty years and upwards, I consider the Woodcote Channel *mine only*.

3. To support this assertion amongst others, I have your own authority, for you on one occasion, unsolicited, told me distinctly that Woodcote channel was my private property, and that if I pleased, I could stop Captain Fuller's water; at the same time, kindly gave me information regarding the construction of the channel, by whom and at whose expense, and also of the dispute between General Cleveland (the then Proprietor of Captain Fuller's property) and Mr. Lascelles (the then Proprietor of Woodcote) and of the result that the General got no water.

4. I think I am correct in stating that the Collector of the District did not come forward with a suggestion of building a new channel for General Cleveland's benefit, or in fact with any suggestion at all, although the General might have had water without inconvenience to any one, taking only the surplus.

5. The Public Bungalow has been in existence for years, but never had a supply of water until the end of 1863, which supply was brought at my cost during my occupancy, and with the permission, not of Government but Mr. Boyson, the then Proprietor of Woodcote; this, I think you will allow, still more strongly shews the little Government had to do in the matter.

6. With reference to the above Public Bungalow, I may here state, that Government have been deriving all the benefits from it, although they have not spent a cash either in the improvement or the up-keeping of the channel since I vacated it; and particularly during the late extension and alteration of the Bungalow, Government have saved considerably by having a supply of water at my cost.

7. I feel convinced that you will agree with me in saying that I am the last man to injure or annoy any one; but when my rights are disputed, and my property threatened with ruin, I do no

more than any other man would do in my position, and I am sure you will view my actions in the same light.

8. I am perfectly willing, at a very trifling cost, to supply the public buildings with water. I can enter into arrangements with the Indian Carrying Company, and Captain Fuller's properties have been, and will continue to be supplied by me, I receiving a consideration ; and I am willing that Mr. Hunter should also participate in the benefit, provided he will enter into arrangements with me, which being entered into, I will, at my own cost, bring a larger supply into the channel sufficient for all.

9. You will see that by the above arrangements, that in place of an expenditure of 2,000 Rupees being necessary by Government, the same benefit will be derived at a mere nominal cost.

10. Mr. Hunter has made a considerable saving in building both his houses and growing his Potatoes and other crops by using my water, and still continues to do so by your sanction.

11. In conclusion, I beg to inform you, that in consequence of your sanctioning Mr. Hunter's diversion of the water, I have lost several applications of selling my properties to advantage as the Board are aware.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURE No. 3.

From Captain W. FULLER, Staff Corps, to the Collector of Coimbatore, dated 12th December 1867.

I have the honor to acknowledge the receipt of your letter, No. 480, dated 9th December 1867, and in reply regret to state, that however much I may wish to agree to the proposition now made by you, I am perfectly helpless in the matter, as under any circumstances, water must be brought through Woodcote property to come on to mine, so that if Mr. Smith is determined to stand by his rights and not allow the Woodcote channel to be touched, I can do nothing.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURE No. 4.

From the Agent, Indian Carrying Company, (Limited,) to the Collector of Coimbatore, dated Coonoor, 31st July 1867, No. 21.

I have the honor, in reply to your letter of the 29th instant, No. 291, to inform you that I have forwarded the letter with the enclosure to the Manager of the Company, for perusal and sanction. On receipt of his reply, I shall again communicate you on the subject.

(True Copy.)

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURE No. 5.

MEMORANDUM.

The following is a brief history of the case as ascertained from the correspondence :—

About the year 1847, a Mr. Lascelles, without leave asked or granted, built on Government waste land a house called Woodcote, and led a stream from a Government spring to it. This channel, crossing and damaging the public road to Ootacamund, was objected to by Captain F. C. Cotton, Civil Engineer (13th July 1848, No. 225.) The then Collector, (J. C. Wroughton, Esq.,) called on Mr. Lascelles for his authority for cutting the channel in question, (16th August 1848, No. 154.)

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He replied that he was not aware if authority were required to cut the channel which had run for the last eight months (21st August 1848.) The Collector (29th August 1848) referred the matter to the Civil Engineer, stating that if he did not object, the Collector would not oppose the construction of an under-drain across the road. The Second Assistant Civil Engineer approved of the water being led through a covered drain (3rd September 1848, No. 298.) The Collector (11th September 1848, No. 139,) asked the Civil Engineer, whether Mr. Lascelles obtained permission to construct the drain referred to. The Civil Engineer saw no objection as far as his Office was concerned. On the 28th July 1856, Major R. Hunter, inhabiting a house built by General Cleveland, reported that the only access for water to his house was through Mr. Lascelles's property of Woodcote, and requested to cut a channel at his own expense. The Collector (9th September 1856) requested the Civil Engineer to arrange for the water being equally distributed to the owners of properties, the only difficulty being that the channel ran through Mr. Lascelles' land. Lieutenant J. H. M. Shaw Stewart, First Assistant Civil Engineer, (25th September 1856,) reported that he had traced the channel from its source to where it enters Mr. Lascelles' land, a distance of about two miles. He tested the amount of water at several points, and found that it did not exceed what would flow through a two-inch pipe. Indeed, at the point where it entered Mr. Lascelles's land, it did not quite fill an aperture of that size. Major Hunter proposed to increase the supply by throwing into the channel a stream which crosses the road three miles from Coonoor. The supply, the Assistant Civil Engineer thought, by the eye, would fill a four-inch pipe, and increase the supply fivefold. The channel of Mr. Lascelles he thought, by being cleared and deepened, would easily carry the additional supply. But the Engineer thought that instead of making the improvement of two small streams at private expense, it would be better that Government should draw off the water from the main stream of the valley, into which both of the small streams discharge themselves. This water might be carried along the same line as Mr. Lascelles's channel. There were, it was true, not above six or eight houses including the public bungalow then to be benefitted ; but along the line there were excellent building sites for at least twenty more houses, and that it would be well to secure a prospective supply of water to such sites. The cost of doing so was guessed at from Rupees 700 to 800. The Collector approved of this plan, (12th December 1856.) Before passing orders, Government, Extract Minutes of Consultation, 10th February 1857, wished to have a report from the Superintending Engineer, Southern Circle, with rough sketch of locality, and any objection urged by Mr. Lascelles ; and in Extract Minutes of Consultation, 23rd May 1857, approved of Major Lawford's proposals to charge the cost of the work estimated at Rupees 500 to the proprietors ; but if a public supply be decided on, the re-payment of the above amount to the parties concerned, shall empower the State to levy a water-rate on the properties concerned. In Extract Minutes of Consultation, 6th November 1857, Government considered a proposal by Superintending Engineer, Southern Circle, for the extension and improvement of the said channel. Mr. Lascelles had claimed compensation for the advantage to be taken of his original outlay, and agreed to abide by the decision of the District Engineer in the matter. That Officer proposed to allow him a definite quantity of water for his present house and two others that were to be built ; that the work was to be undertaken by Department of Public Works, but charged to the proprietors of houses, but the re-payment of the cost by Government was to empower Government to levy a water-rate on the properties concerned. The Agreements not being legally drawn up, were not approved by Government. No arrangement seems ever to have been come to, and the matter would appear to have dropped.

OOTACAMUND,
20th April 1868.

(Signed) A. WEDDERBURN,
Collector.

ENCLOSURES Nos. 6 to 10.—Petitions.

IN this letter, the Collector of Coimbatore replies to Board's Proceedings, dated 4th November 1867, No. 7,214, in which he was directed to ascertain, whether the proprietors who are interested in the new South Coonoor Water Distribution

scheme, assent to pay for their water as proposed by the Collector, and how payment might be enforced in case of non-compliance.

2 The history of this matter as gathered from the papers is as follows:—

3. The first piece of waste land occupied on the south spur of the Coonoor valley was applied for by Mr. Lascelles in 1847. The Collector could not then comply with the application, under restrictive Orders of Government regarding the occupation of waste land on the Hills. Mr. Lascelles nevertheless took possession of the land and built a house (now Woodcote) under an alleged purchase from a Badagah who "had no right to sell it, inasmuch as it was waste and had "not been cultivated for the last 18 years."

From Collector, 5th April 1848, No. 23, paragraph 12.
E. M. C., 22nd March 1844, No. 253, and Board, 19th December 1844.
Collector to Board, 5th April 1848, No. 23.

4. The matter was reported to the Board who did "not object to his (Mr. "Lascelles) retaining the land in his "occupation," but directed that he be informed that "the purchase of waste land upon the Neilgherry Hills on which no "assessment is in course of being paid from a Burgher or any other party, confers "no title whatever; that waste land is the property of Government and can only "be obtained by application made to the Collector of the District through the "regular channel," and Mr. Lascelles was apprized that until this had been done and permission duly obtained, he could not be allowed to assume possession of the land, and that any attempt to occupy it would lead to rejection of his application and ejection from the land. The land was measured and found to contain 14-12-312 Cawnies, the assessment on which, namely, Rupees 20-4-0, was duly charged to Mr. Lascelles.

Proceedings of Board, 15th May 1848, No. 974.

5. Mr. Lascelles then conducted a stream of water from a public spring rising in Goverment land, to his house, "without permission sought or granted," across the public road; this was objected to by the Civil Engineer, but at length acquiesced in by the Collector with his concurrence in 1848. Mr. Lascelles's property (Woodcote) is now occupied by Mr. Smith.

6. Other properties were subsequently formed and houses built on the same spur. In 1856, Major Hunter who occupied one of the "Crimea" houses built by General Cleveland, applied for permission to cut a channel from the Government stream; and on the requisition of the Collector that he would arrange for the water being equally distributed to the owners of all the properties situated on that spur, Captain Shaw Stewart, R. E., prepared a scheme for drawing at public expense, a full supply from the main stream in the valley, whereby to supply existing houses, and likewise secure a prospective supply for the excellent building sites of at least 20 more houses which were on the line of road along which the channel would be conducted; at a cost of Rupees 800. The Superintending Engineer, Major Lawford, reported that the proposed work was "feasible and desirable." It appeared that Mr. Lascelles sought compensation for the advantage taken of his outlay, and the channel passing through his land, but deferred the settlement to Captain Francis, R. E., the Local Engineer, who proposed to allow

G. O., No. 990, 23rd May 1857.

Mr. Lascelles a definite supply of water from the improved channel for his house. The cost was to be borne by the Proprietors, if the Government do not undertake the work, and charge the houses with a water-rate. The Government approved of the proposal, but required a "document from the Proprietors including Mr. Lascelles, agreeing to the stipulation of the levy by Government of a water-rate on repayment of the cost incurred in its improvement." General Cleveland, Owner of the Crimea properties, and Mr. Laseron, the then transferee of Mr. Lascelles's property, signed an agreement to pay a water-rate to Government on re-payment of the cost incurred in the improvement of the water-course to their houses. The agreement was considered informal, by Government; and from that time the measure has been in abeyance, but the want of a regulated supply has been increasingly felt. In 1866, the Collector sanctioned some extension of the Woodcote channel, as a sufficient supply could only be obtained for a Government stream about 200 to 300 yards above its head, reserving "the right of Government to the water with a view to its utilization in "supplying any houses that might be built in future." Mr. Hunter was allowed by the Collector a supply of water from the improved and extended channel for his property adjacent to Woodcote. Major Fuller, the owner of the properties known as "the Crimea," however, filed a Suit for damages (Rs. 3,000) against the Collector and Mr. Hunter for injury done to his property by their diverting the water as above described.

Government Order, No. 2,071, 6th November 1857.
Collector, 16th January 1867, No. 13.
Proceedings of Board, 1st February 1867, No. 691.

Original Suit No. 25, of 1866, in the Civil Court of Ooty.

7. Under instructions of the Board of Revenue, the Collector was directed to warn Major Fuller that a breach of the condition, Clause 8 of the Lease from Government, under which he held, had rendered the property liable to resumption; a condition which would be enforced unless the suit were at once withdrawn. Clause 8 of the Lease provides: "In all disputes regarding boundaries, "springs, water-courses, roads and rights of way, which may arise between me, "John Wheeler Cloveland, my Heirs, Executors, Administrators, or Assigns, and "other parties in which the Government is uninterested, I bind myself to abide "by the decision of the Collector, subject, however, to an appeal to the Board of "Revenue and Government." The Suit was withdrawn accordingly, and the Board directed the Collector to "proceed at once to make an equitable distribution "of water amongst the parties interested" on the principles and in the order of precedence laid down by the Board, "in such a manner as will prevent all future "disputes." He was directed to submit an estimate of the cost necessary to carry out the measure, and also of the probable annual expenditure on maintenance; the Board being of opinion "that these expenses may, with perfect justice, be "recovered from the parties benefitting thereby: allowance being made for any "expenditure already incurred by any of them in forming or improving the "channel."

Board's Proceedings, 1st February 1867, No. 691.
Procs. of Board, 13th March 1867, No. 1,567.

8. The Collector has now submitted a plan and estimate of the cost of a channel and subsidiary works; apparently the same as was under discussion in 1856, with a view to full supply of water at all times; at a cost of Rupees 1,830. With regard to the cost and maintenance expenses, he states that he had asked the persons interested whether they were willing to contribute their proportionate shares of the proposed expenditure, that one only (Mr. Hunter) replied in the affirmative, and the others* had refused or sent no reply. The Collector recommends "that the channel be constructed at the expense of Government, and that each party be called on to pay so much "per annum for his water." To this plan he adds, "I believe no one will object." In estimating the amount to be raised from each property for annual maintenance, the Collector assumes that the work will cost 2,000 Rupees when complete, twelve per cent. on which *plus* the wages of a Water Lascar will amount to Rupees 336 a year. This sum he proposes to divide into nine shares according to the number, &c., of properties to be supplied, and to charge to each of the five proprietors, including three public buildings for which Government will pay three shares, the shares apportioned on the properties respectively.

Proceedings Board of Revenue, 4th November 1867, No. 7,214.
From Collector, 10th October 1867, No. 274.

* Mr. Smith, Captain Fuller, and Indian Carrying Company.

9. The Board approved generally of this plan; but wished to know whether the parties assent to the terms and required information as to the terms on which each property was held. The Board further considered that an annual demand of twelve per cent. on the original outlay should cover all charges of maintenance, and that the quantity of water to be taken by each party should be defined in some way.

Proceedings of Board, 4th November 1867, No. 7,214.

Dated 20th April 1868, No. 118.

10. On this reference the Collector reports on the tenures of the properties concerned that—

I. There is neither Puttah nor Title Deed for Woodcote. The history of the transactions relative to this property is given above.

II. Captain Fuller, occupant of the Crimea properties (originally General Cleveland's) holds under a permanent Puttah or Title Deed "*with reservation of water to Government.*"

III. Mr. Hunter has an ordinary Puttah for the land acquired from the original Native Puttahdar.

IV. Madras Carrying Company hold a Freehold Title Deed for a building site under the Rules of 1859.

11. The Collector considers that "strictly speaking there is no right of water "to any party, as the water was originally taken without permission of Government;" but he observes, that the question whether, on a water supply being provided or improved by Government, "properties having already a supply, and to which "an equal supply at least should be given, can be called on to pay for the same" arises; and he evidently leans, as did Mr. Grant, to the opinion that the present supply *strictly* gauged (Captain Shaw Stewart found that in 1856 it did not exceed what would flow through a two-inch pipe) should be continued to the Woodcote property

Proceedings of the Madras Government, Revenue Department, 9th March 1869.

without charge, any additional supply only being charged for. The Collector "imagines" that Captain Fuller who now gets some surplus water from Woodcote will apply for a fuller supply, and he thinks Mr. Hunter will pay as well, also the Indian Carrying Company.

12. The Collector does not state how he would define the quantity of water to be taken by each property, nor how he would enforce the water-rate.

13. The Board advise that Government at once assume the control and direction of the whole water-course which supplies the properties on the south spur of the Coonoor valley, and sanction the whole scheme for tapping the main stream in the valley, and the estimate for the channels and subsidiary works together with the establishment proposed by the Collector for the distribution of the water; a sufficient pathway along the channel should also be reserved, or where the land is already appropriated, should be recovered under the Act for taking the land for public purposes if necessary, to admit of access to the works by the Channel Establishment. The whole should be well and liberally executed by Government at public cost.

14. They would recommend that as a matter of grace, a reasonable supply for domestic purposes should be delivered without charge on the Woodcote property; but that all the other properties be required to contribute by a reasonable water-rate, to meet the interest on the outlay, and the cost of maintenance and distribution.

15. The Board would apply the same principles and precedence in respect to objects of irrigation as may be adopted for Ooty, together with the same water-rate and limitation, in regard to supply.

16. The rates to be charged should be so fixed as to cover the necessary establishment for maintenance and distribution, in addition to returning five per cent. on the cost of construction.

No. 242. ORDER THEREON, 9th March 1869, No. 632.

Miscellaneous.

1. Before passing orders on these papers, the Right Honorable the Governor in Council resolves to refer them to the Commissioner of the Neilgherry Hills, through the Board of Revenue, for his observations.

2. If the locality in question is situated within the Coonoor Municipal limits, probably the simplest course would be to put the channel in order, at Government expense, and then to transfer it to the Municipality to keep in order, by means of a water-rate. If the locality is not within the limits of the Municipality, the question of extending them should be considered.

(True Extract.)

Acting Secretary to Government.

To the Board of Revenue.

Exd. G. A. Turton.

Govt. of {1869} Mad

REVENUE.

To

THE BOARD OF REVENUE.

Dated March 9th.

Recd.

G. O., 9th March 1869, No. 632.

Rec. of the Board of Revenue
31 Dec 1870 Ap 419.
Govt Dr Dr. - -
Ap 16 Feb 70 Cto 625

Govt. of {1869} Mad

BOARD OF REVENUE, MADRAS.

1869.

PROCEEDINGS, 26TH JANUARY 1869, No. 593

Govt of Mad Revenue Dept
Ry 353

Aug 4 July 1869
Received 5th

Ecd
25/
Cancelled

JANUARY.

No. 593.

Waterworks—which supplies properties o
South spur of Coonoor Valley,—Governmer
advised to assume control and direction of, i
sanction scheme for tapping main Stream i
valley together with proposed Establishme
for distribution of water, and recommended
permit gratuitous supply of water for dome
purposes to Woodcote property.

To the Acting Secretary to Government, Rev. Dept.,
with copy of Board's Proceedings, dated 4th November 1867,
No. 7,214, four petitions, a plan and estimate.

Copy to the Collector of Coimbatore.

Acting Secretary.

Bo 2: Land 15416
" 24 Revy 1369 " 19.50
" Govt " - 24.27.

16. The rates to be charged should be so fixed as to cover the necessary establishment for maintenance and distribution in addition to returning five per cent. on the cost of construction.

(True Copies and Extract.)

Rec. of the Board of Revenue
31 Dec 1870 Ap 419.
from Govt Dr Dr. - -
Ap 16 Feb 70 Cto 625

from Govt Revenue 4th August 69
Cto 2663.

MARCH.

Nos. 240-242.

Coonoor water supply.—Board's Proceedings on this subject, referred to the Commissioner of the Neilgherries for his observations.

Revenue Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the February 1869.

Read the following. No: of the 13th

of 1869.

Advising Govt to assume control & direction of the Watercourse which supplies Properties on South Bank of Cooum Valley to sanction advance for laying main & Branches in valley together with proposed Rates for distribution of water & Maximum Rates to permit Private Institutions supply of water for domestic purposes to Woodcote property

(Ry. E. 28 Sept. 1869 No. 573)

1. The Govt are of opinion that the most economical and the easiest solution of the whole difficult should have been originally to acknowledge Hon. Smith's right to the channel originally dug by Hon. Casamajor for the supply of water to Woodcote and Properties Hunter and others to make their own arrangements with Hon. Smith for the supply of water to their respective properties.

2. Mr. Smith in his letter of — December 1869 offers to supply the public buildings with water at a very trifling cost, and

and to enter into arrangements with Capt^n. Fuller & the Indian Carrying Company and the Hon^ble Hunter, for the supply of water to their premises for a proper consideration. The present & Hon^ble Hunter & others are drawing water from the channel constructed by Hon^ble Lascelles, without payment.

3. It appears to the Govt that Hon^ble Smith as the representative of Hon^ble Lascelles has an equitable right to the benefit of the improvement made by his predecessor, although perhaps technically the Govt might object that permission was never granted to Hon^ble Lascelles to divert the water from the Govt stream. At all events, the Govt acquiesced in this diversion until 1856 without demur. Whatever arrangements may now be made the proprietor of Woodcote has a right to be reimbursed his former outlay or to receive as much water as he requires free of cost.

4. The Board recommend that the Govt should assume the control and direction of the public water course which supplies the various properties.

Sanction

Sanction the scheme originally proposed by Captain Shewsteak and now revised, and charge a water rate to meet the interest on the outlay and the cost of maintenance and distribution. The Board further proposes to deliver a reasonable supply for domestic purposes to the proprietor of Woodcote without charge.

5. The Govt are not satisfied that any advantage will accrue from the proposal, or that any would prefer to leave the matter in the hands of the Proprietors. At present advised, the Govt believe that there is not likely to be any considerable extension of building on this spur, at all events for the present.

6. The late Mr. Smith's offer

offer, to bring a supply of water into the channel sufficient for all at his own cost, and to make his own arrangements with the owners of hovels, applicable and reasonable, and if his representative is willing to abide by this offer, the Board sanction its adoption on the understanding that no charge is made for the water until a sufficient supply is provided. If Mr Smith's representative will not undertake to guarantee a supply of water to all the properties, the offer might be made to Mr Hunter on the understanding that a reasonable supply is to be provided for the woodcote property free of cost.

7. The Commissioners of the Keighley Waterworks will carry out these instructions at once, and report the result thereof to the Board of Supervision.

HW 10/1

It may be well to refer this matter to the Committee of Mr Brooks, for owing to the recent removal of Mr Smith, there is a new element of complication in it.—

I am disposed to agree with the Board that the course of decision proposed by them in para 13 of their proc, should be adopted, but, admitting the fact of the long, uninterrupted enjoyment of the water, which Woodcote, enjoys in common with the owners of other property in the village, I doubt whether we should succeed in forcing the occupants of Woodcote to pay a water rate, if they choose to contest it. It may also be doubted whether we could succeed against the other house owners refused to pay. Though I doubt not the right of Woodcote over the stream water.

Whatever is to be done for the future, the water way and conveying a pure supply of water to persons requiring it, ought to be carried out at the public cost, but I see no reason why any increase without returning any of the householders contribution towards the cost - and I would not hesitate to see all the owners pay their rates as regards the water rate proposed by Mr Collinson - Nevertheless I do not see how I could well have recommended the levied at common?

HW

I think Gen. ought to be prepared to do the work but the question with the exception of Woodcote make a rate [illegible]

No 632

2nd March 61

Before proceeding further in these papers the Undersigned considers it necessary to the Commencement of the Railway Bills, that the Board of Revenue, for his observations.

If the boundary in question is identical with the common municipal limits undoubtedly the simplest course would be to

~~Upon the channel~~

to take the Municipality

Cantonment Land of Cannanore Railway

Last from Collector

first the channel in order of first evidence, and then to transfer it to the

my maintenance of the Incumbrance of the work. It would be well that the Inhabitants people of Cannanore pay a higher rate of Boiler rate if channels are subscribers separate pay Company

I would tell Mr A Buchanan after the Officer

Chief

Council

a Bolly & R Rhode

to keep in order, by means of
a water rate, for the
purpose. If the Corporation
Contractors or the Land
for the Sewage disposal, the
Sanitary Authority
Rent should be considered

Mr Copies to the Right Revd with Genl Enclosure