

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 18th May 1887, No. 119.

Read—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary of the Board in the Department of Land Revenue, dated Ootacamund, 2nd April 1887, No. 85 :—

I have the honor to address the Board again regarding the action of Mr. J. W. B. Money in the matter of his claim to compensation for a portion of his land taken for the new Kundah road.

2. Mr. Money and the other private owners of lands over which the new road passes readily gave their consent to the opening of the road on their holdings. All the other landholders made a definite claim to either land or money compensation or both, and the allotment of land in exchange was sanctioned by Government in G.O., No. 861, dated 4th October 1886, Revenue, communicated with Board's Resolution, Mis. No. 7707, dated 16th idem. Mr. Money, while giving his consent to the road being opened on his property, agreed like the rest to accept a reasonable compensation in land. The area of land required from his holding was estimated to be Acres 2.98, and it was intended to give him double that extent, say 6 acres from the adjoining Government waste.

3. On the 24th November 1885, Mr. Money wrote to me claiming 6 acres of Government forest reserved under Act V of 1882, in a portion of which he was permitted to construct two bunds in order to form a reservoir for fish (*vide* Board's Resolution, dated 10th March 1885, Mis. No. 2288, and 19th March 1885, Mis. No. 2677), and subsequent correspondence disposed of in Board's Resolution, dated 27th May 1886, Mis. Forest No. 192, will show how the concession was abused. In making his claim to the forest as compensation, Mr. Money erroneously assumed that Government had no other land at their disposal adjoining his property.

4. In my letter No. 788, dated 12th May 1886, I offered to Mr. Money 6 acres of land out of settlement No. 375-D, registered as village grazing ground, subject to the sanction of Government. This field is of the same character as that in Mr. Money's occupation through which the road passes, and as a further concession I proposed to assess the land at 8 annas per acre, while the land taken up from him is a settlement grant assessed at 2 rupees per acre.

5. Mr. Money, in his reply, dated 14th May 1886, stated that he could not decide upon accepting or rejecting the compensation land offered to him until his request for 6 acres of forest reserve contained in his letter, dated 24th November 1885, was submitted to the Board of Revenue as he desired. In my reply, No. 881, dated 20th May 1886, I informed Mr. Money that his letter would be laid before the Board with a full report, and requested him, if he liked, to make his acceptance of the compensation land proposed by me conditional, upon his application for the 6 acres of forest reserve not being complied with. Mr. Money took no notice of his letter.

6. His letter of 24th November 1885 was submitted to the Board with my letter, No. 126, dated 13th May 1886, disposed of in Board's Proceedings, dated 27th May 1886, Mis. Forest No. 192, and 1st July 1886, Mis. Forest No. 274, but as no specific directions were given with regard to Mr. Money's request for 6 acres of the reserve, I addressed the Board again in the matter, and in their Proceedings, dated 1st February 1887, Mis. Forest No. 61, they decided that the reserve could not be given as compensation. Mr. Money was informed of this order, and he was requested with

reference to my previous offer to state if he would accept double the extent of the same sort of land as that given up by him, and to send a tracing of the same in view to my having it demarcated and surveyed by the surveyor who was then at work in the neighbourhood.

7. Mr. Money's reply, dated 18th February 1887, is in effect the same as his letter, dated 24th November 1885, above referred to. He assumes erroneously that the land offered by me in settlement 375-D is not at the disposal of Government, and concludes by saying "at all events I cannot say that any of these pieces (*i.e.*, forest reserves) of land are of the same sort of land as that given up by me, and I am therefore unable to send you a tracing showing any other land than the 6 acres, including the water reservoirs, which I would wish to have granted."

8. In my reply, No. 376, dated 25th February 1887, I offered compensation in money at 10 rupees per acre, and informed him as follows:—"You are in error in stating that Government are unable to give a good title to any part of 375-D; but it is not worth while discussing the question as you are probably unwilling to accept compensation in land out of that number whether Government can give a good title to it or not."

9. But Mr. Money, in his reply of the 7th March 1887, declines to receive any pecuniary compensation, dismisses all consideration of the offer of land compensation made to him in field No. 375-D, and writes: "There is the land at the place where I am making the bunds with the consent of Government which is certainly at the disposal of Government, and which I still hope His Excellency the Governor will order to be granted to me."

10. I despair of adjusting the compensation due to Mr. Money. The case has been pending since the middle of 1885, and must remain so until the district board, at whose instance the land was acquired, is furnished with a proper title for the roadway. Mr. Money is a considerable landholder in the district, and at Devashola alone he has nearly 900 acres of land, about half of which is planted with cinchona. The land through which the new Kundah road passes is bare grass land, and the compensation proposed by me is from an adjoining field of similar quality; the area offered being double, while the assessment on such double area will only be half as much as that imposed on the area surrendered by Mr. Money.

11. The construction of the road, to which he readily gave his consent, is manifestly to Mr. Money's advantage, and if he can make it the means of obtaining 6 acres of reserved forest, he cannot of course be blamed. But it seems desirable, on grounds of public policy, to prevent, if possible, such tactics as those adopted by Mr. Money from being successful. If Mr. Money's demand is satisfied, those who have accepted less will be dissatisfied, and in future the operation of taking up private land, which is already attended with considerable trouble in this district, will be rendered still more difficult. If Government decide to give Mr. Money 6 acres of reserved forest, worth at least Rs. 100 per acre, for land which is not intrinsically worth anything (assessed as it is at Rs. 2 per acre), they will have an awkward precedent to contend with in all future controversies of the same kind.

12. Mr. Money can well afford to wait for a settlement of his claim, but it is not so convenient for Government to allow it to stand over. The matter is now in the hands of officers who are personally aware of all the facts and circumstances of the case, and are therefore better able to deal with it than their successors in office will be. The inconvenience of allowing claims to stand over for the advent of officers who are personally unacquainted with the circumstances thereof has been very forcibly brought to my notice on several occasions in this district, and my predecessor, Mr. Brandt, has left on record an observation to the same effect.

13. As Mr. Money will not give a conveyance of the land taken up for the road on any reasonable terms, I recommend that the Government may be moved to put in force Act X of 1870, and I enclose a draft notification for approval.

ENCLOSURE No. 1.—Draft notification.

Resolution—dated 18th May 1887, No. 119.

In the circumstances reported by the Collector, the Board consider that the land, for which Mr. Money delays to execute a deed of conveyance, should be acquired under Act X of 1870, and recommend that the draft notification, submitted by the Collector, may be approved and ordered to be published in the *Fort St. George Gazette*.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with draft notification and copies of Board's Proceedings,
dated 10th March 1885, Mis. No. 2288; 19th March 1885,
Mis. No. 2677; 27th May 1886, Forest No. 192; 1st July 1886,
Forest No. 274; and 1st February 1887, Forest No. 61.

Copy to the Collector of Nilgiris.

READ—also the following Proceedings of the Board of Revenue, dated 1st July 1887, Mis. Forest No. 404:—

Read—the following letter from the Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated 25th May 1887, No. 164:—

In continuation of my letter, dated 2nd ultimo, No. 85, I have the honor to forward copy of a letter from Mr. J. W. B. Money, on the subject of his claim to compensation for the land taken up for the Kundah road.

2. Mr. Money has no ground whatever for claiming the reserve in which he was, as a matter of special favor, allowed to make his fish ponds. The form of permit which he has accepted, and of which I enclose a copy for the Board's information, lays down clearly the conditions under which he holds the ponds. The land compensation is an entirely different affair, and Mr. Money has distinctly agreed to take the "usual" compensation for the Kundah road land, and he should not be granted a compensation which is both unusual and out of all proportion to the value of the land taken.

3. Before entertaining any proposals of this kind, I earnestly recommend the Board to make a settlement with Mr. Money about the land taken up for the Kundah road; to insist that the road compensation and the fish-ponds are entirely separate affairs; and to hold Mr. Money to his agreement to accept the usual compensation. I have no objection to the reserve being given to Mr. Money afterwards if the Board are disposed to favor him in that way. But I do most strongly object to this reserve, or the valuable water rights which Mr. Money claims in the letter, copy of which is now submitted, being granted as compensation for the land taken up for the road.

4. Mr. Money's present proposal is extremely vague, but it appears to mean that Mr. Money should have the entire and sole control of the fish-ponds, the right to do as he may think fit in the reserve and adjoining Government lands for the repair of the bunds and the channel and to have the sole charge and control of the fish that may be in the ponds. It may be observed that Mr. Money states that the fish will be "at the disposal of the Government officers;" but this disposal is qualified by what follows that the fish should be in the charge of Mr. Money and his representatives "to deal with as may be thought most advisable for their extended propagation on the Nilgiri hills." So that I am justified, I think, in assuming that Mr. Money's proposal amounts to what I have stated above.

5. I beg to enclose a copy of a letter from Mr. Money in which he agrees to accept the usual compensation for the land and of my reply. He has stipulated that the land should be chosen by himself. But I have in my letter in reply demurred to this, and have only promised to recommend any reasonable proposal. I consider Mr. Money's proposals are both unusual and unreasonable.

Resolution—dated 1st July 1887, Mis. Forest No. 404.

Mr. Money now offers to resign all claim to compensation for his land taken up for a road in 1885, conditionally on the Government assuring to him the rent-free usufruct of the water in the two ponds made by him and of the water-channel cut by him from those ponds to his estate, with power to keep the bunds of the ponds and the water-channel in repair by taking such soil and stone as may be required for the purpose from the adjoining Government land. He also requests that as long as the fish which he has put into one of the ponds remain in them, they may be placed in charge of himself and his successors at Devasholah, to deal with as may be thought most advisable for their extended propagation on the Nilgiri hills.

2. The Collector objects to Mr. Money's request being complied with because he regards it as, in effect, giving him compensation in an unusual and much too valuable a form and urges that his request be refused and compensation in land given to him, leaving the question of the water in the ponds for subsequent consideration.

3. The Board do not take quite the same view of the matter as the Collector, and recommend to Government, that if Mr. Money will send to the Collector a clear written statement renouncing unconditionally all claim to compensation for the land taken from him, he should be given by Government the rent free and exclusive use of the water against every one but the Government itself, with leave to repair the bunds and channel from the adjoining Government land.

4. As regards the fish that may be in the ponds, the Board recommend that Mr. Money's request be acceded to.

5. If the Board's proposals are accepted, it will not be necessary to take any action on Board's Proceedings, dated 18th May 1887, No. 119.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with four enclosures in original to be returned.

Copy to the Conservator of Forests, Northern Circle.
" " Collector of Nilgiris.

ORDER—dated 2nd August 1887, No. 744, Revenue.

Land Revenue, No. 80.

The Government are decidedly unable to accept the proposals made by the Board in the second of their Proceedings read

above, and they are not prepared to grant any further concessions to Mr. Money in regard to the fish-ponds.

2. The notification submitted with the first Proceedings read above will be published in the Fort St. George and the Nilgiri District Gazettes.

3. The Government observe that the instructions contained in G.O., 18th May 1887, No. 491, Revenue, regarding the names of Commissioners being placed at the head of Proceedings, have not been complied with in the case of the Proceedings dated 1st July 1887.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.
" the Local and Municipal Department.
" the Public Works Department.
" the Superintendent, Government Press.

NOTIFICATION.

Under the provisions of section 6, of Act X of 1870, His Excellency the Governor in Council of Fort St. George hereby declares that the land described in the schedule hereunto annexed, situated in the village of Balakola, Nilgiri district, is required for a public purpose, namely, for the construction of the new Kundah road.

2. The plan of the land can be inspected at the office of the Collector of Nilgiris, Ootacamund.

Schedule.

District.	Village.	Name of registered owner.	Putta Number.	Settlement Number.	Area in Acres.	Boundaries.
Nilgiris ..	Balakola ..	Mr. J. W. B. Money	131	Part of 375-C.	About 2.98 acres.	North and South.—Settlement No. 375-C, Mr. Money's Land. East.—Continuation of the new Kundah road in Settlement No. 378—Badaga putta land. West.—Continuation of the new Kundah road in Settlement No. 401—Government Reserve Forest.

Exd. W. H. French.

80 Copies.

P.W.D.

Govt. of (1887) Madras.

REVENUE.

No. 2345 W of 31st August/87

Communicated
for the information of the
S. E. Circle

S. E. Circle

Issued

Recd.

Encl.

G.O., 2nd August 1887, No. 744.

No. 2345 W of 31st August/87

AUGUST.

Concessions to Mr. Money.

Declining to grant any further — in lieu of his land taken up for the Kundah road, and the notification ordered to be published in the Fort St. George and the Nilgiri District Gazettes.

S. E. Circle

with order

2ND AUGUST 1887, No. 744, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), dated 18th May 1887, No. 119.

Read—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary of the Board in the Department of Land Revenue, dated Ootacamund, 2nd April 1887, No. 85 :—

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2. Mr. Money and the other private owners of lands over which the new road passes readily gave their consent to the opening of the road on their holdings. All the other landholders made a definite claim to either land or money compensation or both, and the allotment of land in exchange was sanctioned by Government in G.O., No. 861, dated 4th October 1886, Revenue, communicated with Board's Resolution, Mis. No. 7707, dated 16th idem. Mr. Money, while giving his consent to the road being opened on his property, agreed like the rest to accept a reasonable compensation in land. The area of land required from his holding was estimated to be Acres 2.98, and it was intended to give him double that extent, say 6 acres from the adjoining Government waste.

3. On the 24th November 1885, Mr. Money wrote to me claiming 6 acres of Government forest reserved under Act V of 1882, in a portion of which he was permitted to construct two bunds in order to form a reservoir for fish (*vide* Board's Resolution, dated 10th March 1885, Mis. No. 2288, and 19th March 1885, Mis. No. 2677), and subsequent correspondence disposed of in Board's Resolution, dated 27th May 1886, Mis. Forest No. 192, will show how the concession was abused. In making his claim to the forest as compensation, Mr. Money erroneously assumed that Government had no other land at their disposal adjoining his property.

4. In my letter No. 788, dated 12th May 1886, I offered to Mr. Money 6 acres of land out of settlement No. 375-D, registered as village grazing ground, subject to the sanction of Government. This field is of the same character as that in Mr. Money's occupation through which the road passes, and as a further concession I proposed to assess the land at 8 annas per acre, while the land taken up from him is a settlement grant assessed at 2 rupees per acre.

5. Mr. Money, in his reply, dated 14th May 1886, stated that he could not decide upon accepting or rejecting the compensation land offered to him until his request for 6 acres of forest reserve contained in his letter, dated 24th November 1885, was submitted to the Board of Revenue as he desired. In my reply, No. 881, dated 20th May 1886, I informed Mr. Money that his letter would be laid before the Board with a full report, and requested him, if he liked, to make his acceptance of the compensation land proposed by me conditional, upon his application for the 6 acres of forest reserve not being complied with. Mr. Money took no notice of his letter.

6. His letter of 24th November 1885 was submitted to the Board with my letter, No. 126, dated 13th May 1886, disposed of in Board's Proceedings, dated 27th May 1886, Mis. Forest No. 192, and 1st July 1886, Mis. Forest No. 274, but as no specific directions were given with regard to Mr. Money's request for 6 acres of the reserve, I addressed the Board again in the matter, and in their Proceedings, dated 1st February 1887, Mis. Forest No. 61, they decided that the reserve could not be given as compensation. Mr. Money was informed of this order, and he was requested with

reference to my previous offer to state if he would accept double the extent of the same sort of land as that given up by him, and to send a tracing of the same in view to my having it demarcated and surveyed by the surveyor who was then at work in the neighbourhood.

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10. I despair of adjusting the compensation due to Mr. Money. The case has been pending since the middle of 1885, and must remain so until the district board, at whose instance the land was acquired, is furnished with a proper title for the roadway. Mr. Money is a considerable landholder in the district, and at Devashola alone he has nearly 900 acres of land, about half of which is planted with cinchona. The land through which the new Kundah road passes is bare grass land, and the compensation proposed by me is from an adjoining field of similar quality; the area offered being double, while the assessment on such double area will only be half as much as that imposed on the area surrendered by Mr. Money.

11. The construction of the road, to which he readily gave his consent, is manifestly to Mr. Money's advantage, and if he can make it the means of obtaining 6 acres of reserved forest, he cannot of course be blamed. But it seems desirable, on grounds of public policy, to prevent, if possible, such tactics as those adopted by Mr. Money from being successful. If Mr. Money's demand is satisfied, those who have accepted less will be dissatisfied, and in future the operation of taking up private land, which is already attended with considerable trouble in this district, will be rendered still more difficult. If Government decide to give Mr. Money 6 acres of reserved forest, worth at least Rs. 100 per acre, for land which is not intrinsically worth anything (assessed as it is at Rs. 2 per acre), they will have an awkward precedent to contend with in all future controversies of the same kind.

12. Mr. Money can well afford to wait for a settlement of his claim, but it is not so convenient for Government to allow it to stand over. The matter is now in the hands of officers who are personally aware of all the facts and circumstances of the case, and are therefore better able to deal with it than their successors in office will be. The inconvenience of allowing claims to stand over for the advent of officers who are personally unacquainted with the circumstances thereof has been very forcibly brought to my notice on several occasions in this district, and my predecessor, Mr. Brandt, has left on record an observation to the same effect.

13. As Mr. Money will not give a conveyance of the land taken up for the road on any reasonable terms, I recommend that the Government may be moved to put in force Act X of 1870, and I enclose a draft notification for approval.

ENCLOSURE No. 1.—Draft notification.

Resolution—dated 18th May 1887, No. 119.

In the circumstances reported by the Collector, the Board consider that the land, for which Mr. Money delays to execute a deed of conveyance, should be acquired under Act X of 1870, and recommend that the draft notification, submitted by the Collector, may be approved and ordered to be published in the *Fort St. George Gazette*.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with draft notification and copies of Board's Proceedings,
dated 10th March 1885, Mis. No. 2288; 19th March 1885,
Mis. No. 2677; 27th May 1886, Forest No. 192; 1st July 1886,
Forest No. 274; and 1st February 1887, Forest No. 61.

Copy to the Collector of Nilgiris.

READ—also the following Proceedings of the Board of Revenue, dated 1st July 1887, Mis. Forest No. 404:—

Read—the following letter from the Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated 25th May 1887, No. 164:—

In continuation of my letter, dated 2nd ultimo, No. 85, I have the honor to forward copy of a letter from Mr. J. W. B. Money, on the subject of his claim to compensation for the land taken up for the Kundah road.

2. Mr. Money has no ground whatever for claiming the reserve in which he was, as a matter of special favor, allowed to make his fish ponds. The form of permit which he has accepted, and of which I enclose a copy for the Board's information, lays down clearly the conditions under which he holds the ponds. The land compensation is an entirely different affair, and Mr. Money has distinctly agreed to take the "usual" compensation for the Kundah road land, and he should not be granted a compensation which is both unusual and out of all proportion to the value of the land taken.

3. Before entertaining any proposals of this kind, I earnestly recommend the Board to make a settlement with Mr. Money about the land taken up for the Kundah road; to insist that the road compensation and the fish-ponds are entirely separate affairs; and to hold Mr. Money to his agreement to accept the usual compensation. I have no objection to the reserve being given to Mr. Money afterwards if the Board are disposed to favor him in that way. But I do most strongly object to this reserve, or the valuable water rights which Mr. Money claims in the letter, copy of which is now submitted, being granted as compensation for the land taken up for the road.

4. Mr. Money's present proposal is extremely vague, but it appears to mean that Mr. Money should have the entire and sole control of the fish-ponds, the right to do as he may think fit in the reserve and adjoining Government lands for the repair of the bunds and the channel and to have the sole charge and control of the fish that may be in the ponds. It may be observed that Mr. Money states that the fish will be "at the disposal of the Government officers;" but this disposal is qualified by what follows that the fish should be in the charge of Mr. Money and his representatives "to deal with as may be thought most advisable for their extended propagation on the Nilgiri hills." So that I am justified, I think, in assuming that Mr. Money's proposal amounts to what I have stated above.

5. I beg to enclose a copy of a letter from Mr. Money in which he agrees to accept the usual compensation for the land and of my reply. He has stipulated that the land should be chosen by himself. But I have in my letter in reply demurred to this, and have only promised to recommend any reasonable proposal. I consider Mr. Money's proposals are both unusual and unreasonable.

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2. The Collector objects to Mr. Money's request being complied with because he regards it as, in effect, giving him compensation in an unusual and much too valuable a form and urges that his request be refused and compensation in land given to him, leaving the question of the water in the ponds for subsequent consideration.

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(Signed) M. HAMMICK,
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To the Secretary to Government, Revenue Department,
with four enclosures in original to be returned.

Copy to the Conservator of Forests, Northern Circle.
" " Collector of Nilgiris.

ORDER—dated 2nd August 1887, No. 744, Revenue.

Land Revenue, No. 80.

The Government are decidedly unable to accept the proposals made by the Board in the second of their Proceedings read

above, and they are not prepared to grant any further concessions to Mr. Money in regard to the fish-ponds.

2. The notification submitted with the first Proceedings read above will be published in the Fort St. George and the Nilgiri District Gazettes.

3. The Government observe that the instructions contained in G.O., 18th May 1887, No. 491, Revenue, regarding the names of Commissioners being placed at the head of Proceedings, have not been complied with in the case of the Proceedings dated 1st July 1887.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioners of Land Revenue.
" the Local and Municipal Department.
" the Public Works Department.
" the Superintendent, Government Press.

NOTIFICATION.

Under the provisions of section 6, of Act X of 1870, His Excellency the Governor in Council of Fort St. George hereby declares that the land described in the schedule hereunto annexed, situated in the village of Balakola, Nilgiri district, is required for a public purpose, namely, for the construction of the new Kundah road.

2. The plan of the land can be inspected at the office of the Collector of Nilgiris, Ootacamund.

Schedule.

District.	Village.	Name of registered owner.	Putta Number..	Settlement Number.	Area in Acres.	Boundaries.
Nilgiris ..	Balakola ..	Mr. J. W. B. Money	131	Part of 375-C.	About 2.98 acres.	North and South.—Settlement No. 375-C, Mr. Money's Land. East.—Continuation of the new Kundah road in Settlement No. 378—Badaga putta land. West.—Continuation of the new Kundah road in Settlement No. 401—Government Reserve Forest.

Exd. W. H. French.

80 Copies.

P.W.D.
Govt. of {1887} Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 2nd August 1887, No. 744.

AUGUST.

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W. H. D. S.

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2. Mr. Money and the other private owners of lands over which the new road passes readily gave their consent to the opening of the road on their holdings. All the other landholders made a definite claim to either land or money compensation or both, and the allotment of land in exchange was sanctioned by Government in G.O., No. 861, dated 4th October 1886, Revenue, communicated with Board's Resolution, Mis. No. 7707, dated 16th idem. Mr. Money, while giving his consent to the road being opened on his property, agreed like the rest to accept a reasonable compensation in land. The area of land required from his holding was estimated to be Acres 2.98, and it was intended to give him double that extent, say 6 acres from the adjoining Government waste.

3. On the 24th November 1885, Mr. Money wrote to me claiming 6 acres of Government forest reserved under Act V of 1882, in a portion of which he was permitted to construct two bunds in order to form a reservoir for fish (*vide* Board's Resolution, dated 10th March 1885, Mis. No. 2288, and 19th March 1885, Mis. No. 2677), and subsequent correspondence disposed of in Board's Resolution, dated 27th May 1886, Mis. Forest No. 192, will show how the concession was abused. In making his claim to the forest as compensation, Mr. Money erroneously assumed that Government had no other land at their disposal adjoining his property.

4. In my letter No. 788, dated 12th May 1886, I offered to Mr. Money 6 acres of land out of settlement No. 375-D, registered as village grazing ground, subject to the sanction of Government. This field is of the same character as that in Mr. Money's occupation through which the road passes, and as a further concession I proposed to assess the land at 8 annas per acre, while the land taken up from him is a settlement grant assessed at 2 rupees per acre.

5. Mr. Money, in his reply, dated 14th May 1886, stated that he could not decide upon accepting or rejecting the compensation land offered to him until his request for 6 acres of forest reserve contained in his letter, dated 24th November 1885, was submitted to the Board of Revenue as he desired. In my reply, No. 881, dated 20th May 1886, I informed Mr. Money that his letter would be laid before the Board with a full report, and requested him, if he liked, to make his acceptance of the compensation land proposed by me conditional, upon his application for the 6 acres of forest reserve not being complied with. Mr. Money took no notice of his letter.

6. His letter of 24th November 1885 was submitted to the Board with my letter, No. 126, dated 13th May 1886, disposed of in Board's Proceedings, dated 27th May 1886, Mis. Forest No. 192, and 1st July 1886, Mis. Forest No. 274, but as no specific directions were given with regard to Mr. Money's request for 6 acres of the reserve, I addressed the Board again in the matter, and in their Proceedings, dated 1st February 1887, Mis. Forest No. 61, they decided that the reserve could not be given as compensation. Mr. Money was informed of this order, and he was requested with

reference to my previous offer to state if he would accept double the extent of the same sort of land as that given up by him, and to send a tracing of the same in view to my having it demarcated and surveyed by the surveyor who was then at work in the neighbourhood.

7. Mr. Money's reply, dated 18th February 1887, is in effect the same as his letter, dated 24th November 1885, above referred to. He assumes erroneously that the land offered by me in settlement 375-D is not at the disposal of Government, and concludes by saying "at all events I cannot say that any of these pieces (*i.e.*, forest reserves) of land are of the same sort of land as that given up by me, and I am therefore unable to send you a tracing showing any other land than the 6 acres, including the water reservoirs, which I would wish to have granted."

8. In my reply, No. 376, dated 25th February 1887, I offered compensation in money at 10 rupees per acre, and informed him as follows:—"You are in error in stating that Government are unable to give a good title to any part of 375-D; but it is not worth while discussing the question as you are probably unwilling to accept compensation in land out of that number whether Government can give a good title to it or not."

9. But Mr. Money, in his reply of the 7th March 1887, declines to receive any pecuniary compensation, dismisses all consideration of the offer of land compensation made to him in field No. 375-D, and writes: "There is the land at the place where I am making the bunds with the consent of Government which is certainly at the disposal of Government, and which I still hope His Excellency the Governor will order to be granted to me."

10. I despair of adjusting the compensation due to Mr. Money. The case has been pending since the middle of 1885, and must remain so until the district board, at whose instance the land was acquired, is furnished with a proper title for the roadway. Mr. Money is a considerable landholder in the district, and at Devashola alone he has nearly 900 acres of land, about half of which is planted with cinchona. The land through which the new Kundah road passes is bare grass land, and the compensation proposed by me is from an adjoining field of similar quality; the area offered being double, while the assessment on such double area will only be half as much as that imposed on the area surrendered by Mr. Money.

11. The construction of the road, to which he readily gave his consent, is manifestly to Mr. Money's advantage, and if he can make it the means of obtaining 6 acres of reserved forest, he cannot of course be blamed. But it seems desirable, on grounds of public policy, to prevent, if possible, such tactics as those adopted by Mr. Money from being successful. If Mr. Money's demand is satisfied, those who have accepted less will be dissatisfied, and in future the operation of taking up private land, which is already attended with considerable trouble in this district, will be rendered still more difficult. If Government decide to give Mr. Money 6 acres of reserved forest, worth at least Rs. 100 per acre, for land which is not intrinsically worth anything (assessed as it is at Rs. 2 per acre), they will have an awkward precedent to contend with in all future controversies of the same kind.

12. Mr. Money can well afford to wait for a settlement of his claim, but it is not so convenient for Government to allow it to stand over. The matter is now in the hands of officers who are personally aware of all the facts and circumstances of the case, and are therefore better able to deal with it than their successors in office will be. The inconvenience of allowing claims to stand over for the advent of officers who are personally unacquainted with the circumstances thereof has been very forcibly brought to my notice on several occasions in this district, and my predecessor, Mr. Brandt, has left on record an observation to the same effect.

13. As Mr. Money will not give a conveyance of the land taken up for the road on any reasonable terms, I recommend that the Government may be moved to put in force Act X of 1870, and I enclose a draft notification for approval.

ENCLOSURE No. 1.—Draft notification.

Resolution—dated 18th May 1887, No. 119.

In the circumstances reported by the Collector, the Board consider that the land, for which Mr. Money delays to execute a deed of conveyance, should be acquired under Act X of 1870, and recommend that the draft notification, submitted by the Collector, may be approved and ordered to be published in the *Fort St. George Gazette*.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with draft notification and copies of Board's Proceedings,
dated 10th March 1885, Mis. No. 2288; 19th March 1885,
Mis. No. 2677; 27th May 1886, Forest No. 192; 1st July 1886,
Forest No. 274; and 1st February 1887, Forest No. 61.
Copy to the Collector of Nilgiris.

READ—also the following Proceedings of the Board of Revenue, dated 1st July 1887,
Mis. Forest No. 404:—

Read—the following letter from the Collector of Nilgiris, to the Secretary to the
Commissioners of Land Revenue, dated 25th May 1887, No. 164:—

In continuation of my letter, dated 2nd ultimo, No. 85, I have the honor to forward copy of a letter from Mr. J. W. B. Money, on the subject of his claim to compensation for the land taken up for the Kundah road.

2. Mr. Money has no ground whatever for claiming the reserve in which he was, as a matter of special favor, allowed to make his fish ponds. The form of permit which he has accepted, and of which I enclose a copy for the Board's information, lays down clearly the conditions under which he holds the ponds. The land compensation is an entirely different affair, and Mr. Money has distinctly agreed to take the "usual" compensation for the Kundah road land, and he should not be granted a compensation which is both unusual and out of all proportion to the value of the land taken.

3. Before entertaining any proposals of this kind, I earnestly recommend the Board to make a settlement with Mr. Money about the land taken up for the Kundah road; to insist that the road compensation and the fish-ponds are entirely separate affairs; and to hold Mr. Money to his agreement to accept the usual compensation. I have no objection to the reserve being given to Mr. Money afterwards if the Board are disposed to favor him in that way. But I do most strongly object to this reserve, or the valuable water rights which Mr. Money claims in the letter, copy of which is now submitted, being granted as compensation for the land taken up for the road.

4. Mr. Money's present proposal is extremely vague, but it appears to mean that Mr. Money should have the entire and sole control of the fish-ponds, the right to do as he may think fit in the reserve and adjoining Government lands for the repair of the bunds and the channel and to have the sole charge and control of the fish that may be in the ponds. It may be observed that Mr. Money states that the fish will be "at the disposal of the Government officers;" but this disposal is qualified by what follows that the fish should be in the charge of Mr. Money and his representatives "to deal with as may be thought most advisable for their extended propagation on the Nilgiri hills." So that I am justified, I think, in assuming that Mr. Money's proposal amounts to what I have stated above.

5. I beg to enclose a copy of a letter from Mr. Money in which he agrees to accept the usual compensation for the land and of my reply. He has stipulated that the land should be chosen by himself. But I have in my letter in reply demurred to this, and have only promised to recommend any reasonable proposal. I consider Mr. Money's proposals are both unusual and unreasonable.

Resolution—dated 1st July 1887, Mis. Forest No. 404.

Mr. Money now offers to resign all claim to compensation for his land taken up for a road in 1885, conditionally on the Government assuring to him the rent-free usufruct of the water in the two ponds made by him and of the water-channel cut by him from those ponds to his estate, with power to keep the bunds of the ponds and the water-channel in repair by taking such soil and stone as may be required for the purpose from the adjoining Government land. He also requests that as long as the fish which he has put into one of the ponds remain in them, they may be placed in charge of himself and his successors at Devasholah, to deal with as may be thought most advisable for their extended propagation on the Nilgiri hills.

2. The Collector objects to Mr. Money's request being complied with because he regards it as, in effect, giving him compensation in an unusual and much too valuable a form and urges that his request be refused and compensation in land given to him, leaving the question of the water in the ponds for subsequent consideration.

3. The Board do not take quite the same view of the matter as the Collector, and recommend to Government, that if Mr. Money will send to the Collector a clear written statement renouncing unconditionally all claim to compensation for the land taken from him, he should be given by Government the rent free and exclusive use of the water against every one but the Government itself, with leave to repair the bunds and channel from the adjoining Government land.

4. As regards the fish that may be in the ponds, the Board recommend that Mr. Money's request be acceded to.

5. If the Board's proposals are accepted, it will not be necessary to take any action on Board's Proceedings, dated 18th May 1887, No. 119.

(A true Copy and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with four enclosures in original to be returned.

Copy to the Conservator of Forests, Northern Circle.
" " Collector of Nilgiris.

ORDER—dated 2nd August 1887, No. 744, Revenue.

Land Revenue, No. 80.

The Government are decidedly unable to accept the proposals made by the Board in the second of their Proceedings read

above, and they are not prepared to grant any further concessions to Mr. Money in regard to the fish-ponds.

2. The notification submitted with the first Proceedings read above will be published in the Fort St. George and the Nilgiri District Gazettes.

3. The Government observe that the instructions contained in G.O., 18th May 1887, No. 491, Revenue, regarding the names of Commissioners being placed at the head of Proceedings, have not been complied with in the case of the Proceedings dated 1st July 1887.

(True Extract.)

H. H. French

Ag. Secretary to Government.

To the Commissioners of Land Revenue.
" the Local and Municipal Department.
" the Public Works Department.
" the Superintendent, Government Press.

NOTIFICATION.

Under the provisions of section 6, of Act X of 1870, His Excellency the Governor in Council of Fort St. George hereby declares that the land described in the schedule hereunto annexed, situated in the village of Balakola, Nilgiri district, is required for a public purpose, namely, for the construction of the new Kundah road.

2. The plan of the land can be inspected at the office of the Collector of Nilgiris, Ootacamund.

Schedule.

District.	Village.	Name of registered owner.	Putta Number.	Settlement Number.	Area in Acres.	Boundaries.
Nilgiris ..	Balakola ..	Mr. J. W. B. Money	131	Part of 375-C.	About 2.98 acres.	North and South.—Settlement No. 375-C, Mr. Money's Land. East.—Continuation of the new Kundah road in Settlement No. 378—Badaga putta land. West.—Continuation of the new Kundah road in Settlement No. 401—Government Reserve Forest.

Exd. W. H. French.

80 Copies.

Declining to grant any further — in lieu of his land taken up for the Kundah road, and the notification ordered to be published in the Fort St. George and the Nilgiri District Gazettes.

Declining to grant any further — in lieu of his land taken up for the Kundah road, and the notification ordered to be published in the Fort St. George and the Nilgiri District Gazettes.