

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1859	Press Mis.
372-24 Dated	24-11-1870	12

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th November 1870.*

Read the following:—

No. 372. Proceedings of the Board of Revenue, dated 9th August 1870,
No. 5,237.

Read the following letter from the Commissioner of the Neilgherries, to the Acting
Secretary to the Board of Revenue, dated Ootacamund, 12th July 1870,
No. 92.

REFERENCE—Government Order, dated 16th June 1870, No. 887, Revenue
Department.

Land sold under the Neilgherry Waste Land Rules is subject to the payment
of a fixed annual assessment, and no release from this yearly charge is provided,
except by redemption at twenty-five years' purchase. In practice, however, this
rule has been not unfrequently relaxed in this district. Men have become bank-
rupt, or, at all events, have thrown up their lands from some potent cause or other,
such as inability to meet the expenses of cultivation, or because experiment has
shown that the soil, situation, or climate of the land purchased was unsuitable to
the profitable growth of the plant, in the culture of which they were interested.

2. In such exceptional cases, the Government by their orders have already
laid down the principle that purchasers under the Waste Land Rules may be allowed
to relinquish and abandon. When we consider that tea, coffee, and cinchona
cultivation on these Hills is still, in a great measure, experimental, and that it is
acknowledged to be desirable to encourage the colonization of these Hills by
Europeans, I think the principle a good one, provided each case be settled on its
own merits, and the indulgence be granted *only* when sufficient cause be shown, of
which the Government should be the judge.

3. I think that the Government Order, 11th May 1870, No. 690, Revenue
Department, empowering the Commissioner, without reference to Government, to
allow a purchaser to relinquish, goes too far, and is bad in principle, because
facilities may thereby be too readily offered to purchasers for getting rid of their
bargain, and thus speculators may be encouraged to job, and bid at auction against
the *bona fide* planter whom it is the desire of Government to encourage.

4. If I am right in this view of the case, and there *are* circumstances which
justify the Government in permitting land to be relinquished, *a fortiori* the same
or even slighter circumstances would justify the Government in permitting an
exchange of land, inasmuch as "exchange" not involving release from assessment
cannot encourage jobbers.

5. Moreover, the Government have already allowed exchange, as, for example,
in Mr. Mullaly's case (see Government Proceedings, Revenue Department, 30th
August 1869, No. 431, and order thereon); and where the alternative, as in
Mr. Herklots's case, lies between relinquishment and exchange, surely the latter is
preferable. Mr. Herklots's land (estimated to be 300 acres, and which by Govern-
ment Order, 24th June 1869, No. 1,792, he was permitted to relinquish, and in
lieu of which he now applies for 100 acres in exchange) is situated in the Neeraly
Valley, a most out-of-the-way place. It is on the opposite side of the ravine to
Mr. Mullaly's land, is more inaccessible, and, as far as I can judge, is precipitous
and much of the same character.

*Proceedings of the Madras Government, Revenue Department,
24th November 1870.*

6. I have thought it necessary to make these remarks in order that Mr. Herklots's application may not fall, though for want of adequate explanation on my part.

SUBMITTED to Government, with reference to Government Order, 16th June 1870, No. 887.

2. The Board's recommendation in this case, which has been disallowed by Government, was based on the fact that Mr. Herklots had paid a large sum for land which he found on trial was useless to him. The Board still think that other land may fairly be given in exchange.

No. 373. Proceedings of the Board of Revenue, dated 1st November 1870, No. 6,425.

Read the following letter from the Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 8th October 1870, No. 145.

WITH reference to my letter, 12th July, No. 92, and Board's Order thereon, dated 9th August, No. 5,237, I beg to enclose three letters, two from Mr. Mullaly and one from Mr. Herklots.

2. It seems right that Government should have these letters before them when they pass final orders upon Mr. Herklots's compensation.

ENCLOSURES Nos. 1 to 3.—Letters from Messrs Mullaly and Herklots.

SUBMITTED to Government, with reference to Board's Proceedings, 9th August 1870, No. 5,237.

2. The Board have recommended that Mr. Herklots should be allowed to have a certain piece of land in exchange for some purchased by him which was found to be useless.

3. It now appears, however, that the same piece of land has been applied for, and is wanted by others, and the Board consider that, under these circumstances, the usual procedure under the rules for the sale of waste lands should be adopted.

No. 374. ORDER THEREON, 24th November 1870, No. 1,859.

Land Revenue.

THE Right Honourable the Governor in Council concurs with the Board of Revenue in considering that the land in question should be disposed of under the rules in the ordinary way. The Commissioner should be instructed accordingly.

(True Extract.)

(Signed)

W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th August 1870.

Read the following letter from J. W. BREEKS, Esq., Commissioner of the Neilgherries, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 12th July 1870, No. 92:—

REFERENCE—Government Order, dated 16th June 1870, No. 887, Revenue Department.

REFERENCE—Government Order, dated 16th June 1870, No. 337, Revenue Department.

Land sold under the Neilgherry Waste Land Rules is subject to the payment of a fixed annual assessment, and no release from this yearly charge is provided except by redemption at twenty-five years' purchase. In practice, however, this rule has been not unfrequently relaxed in this district. Men have become bankrupt, or at all events have thrown up their lands from some potent cause or other, such as inability to meet the expenses of cultivation, or because experiment has shown that the soil, situation, or climate of the land purchased was unsuitable to the profitable growth of the plant in the culture of which they were interested.

Consequently, the Government by their orders have already laid down the

2. In such exceptional cases, the Government by their orders have already laid down the principle that purchasers under the Waste Land Rules may be allowed to relinquish and abandon. When we consider that tea, coffee, and cinchona cultivation on these Hills is still in a great measure experimental, and that it is acknowledged to be desirable to encourage the colonization of these Hills by Europeans, I think the principle a good one, provided each case be settled on its own merits, and the indulgence be granted *only* when sufficient cause be shown, of which the Government should be the judge.

3. I think that the Government Order, 11th May 1870, No. 690, Revenue Department, empowering the Commissioner, without reference to Government, to allow a purchaser to relinquish, goes too far and is bad in principle, because facilities may thereby be too readily offered to purchasers for getting rid of their bargain, and thus speculators may be encouraged to job, and bid at auction against the *bona fide* planter whom it is the desire of Government to encourage.

4. If I am right in this view of the case, and there are circumstances which justify the Government in permitting land to be relinquished, *a fortiori* the same or even slighter circumstances would justify the Government in permitting an exchange of land, inasmuch as 'exchange' not involving release from assessment cannot encourage jobbers.

5. Moreover, the Government have already allowed exchange, as, for example, in Mr. Mullaly's case (see Government Proceedings, Revenue Department, 30th August 1869, No. 431, and order thereon); and where the alternative, as in Mr. Herklots's case, lies between relinquishment and exchange, surely the latter is preferable. Mr. Herklots's land (estimated to be 300 acres, and which by Government Order, 24th June 1869, No. 1,792, he was permitted to relinquish, and in lieu of which he now applies for 100 acres in exchange) is situated in the Neerally Valley, a most out-of-the-way place. It is on the opposite side of the ravine to Mr. Mullaly's land, is more inaccessible, and, as far as I can judge, is precipitous and much of the same character.

6. I have thought it necessary to make these remarks in order that Mr. Herklots's application may not fall through for want of adequate explanation on my part.

Submitted to Government, with reference to Government Order, 16th June 1870, No. 887.

2. The Board's recommendation in this case, which has been disallowed by Government, was based on the fact that Mr. Herklots had paid a large sum for land which he found on trial was useless to him. The Board still think that other land may fairly be given in exchange.

(A true Copy and Extract.)

J. G. Cole
Acting Secretary.

To the Acting Secretary to Government, Revenue Department.

Copy to the Commissioner of the Neilgherries.

Exd. T. Cartledge.

Govt. of 1870. *ibid.*

REVENUE.

25

THE BOARD OF REVENUE.

Del'd November 24th.

Fixed.

by

U. O., 24th November 1870, No. 1, 259

NOVEMBER.
Nos. 372-374.

Land required by Mr. Perlots in the Netherlands.—Commissioner authorized to dispose of it under the rules in the ordinary way.

Rev. Sept

Memo: for orders on
#2514

In these Proceedings
the Board of Rev. submit
for orders a letter from
the format of the Neilgherry
Hills re-opening the case
of Mr. Herklot's land
which was finally dis-
posed of by Court in the
J.O. under date 16th
June 1870, No. 887.
2. Mr. Herklot pur-
chased a block of
land for Rs. 2250, felled
some of the forest &c -
retained it for some time
until the assessment
due by him amounted to
about Rs. 3000 - He
then

Mr. Herklot's land
his claim of right.
the Court let the land
deliberately - know.
ing the conditions
of fact - and he
held it for 4 years
without raising any
any objection - As
he bought it at
Rs. 2250
and now he must
I conclude, look out.
and some other candi-
date who might have
utilised it and paid
the full assessment which

No. 24 24/9/70
to 000/4 5-27-71
11 8/10/70 - 140-1
18 11/10/70 - 197 8

131
100954
1870. Sept

BOARD OF REVENUE

MADRAS.

PROCEEDINGS 21st AUGUST 1870, No. 5,237.

21st 21st August 70.
Encl.

Received

21st 1870. 24 Nov

AUGUST.
No. 5,237.

Land on Neilgherry. - Letter from Commis-
sioner stating that G. O. empowering that
officer to allow purchasers of, to relinquish their
lands, without reference to Government, goes
too far and is bad in principle, and passing
certain remarks in favor of Mr. Herklot's appli-
cation for an exchange of land, submitted to
Government.

1870. 24/9/70
to 000/4 5-27-71
11 8/10/70 - 140-1
18 11/10/70 - 197 8

28-11-1909

then applied for a refund of purchase money and re-mission of apportionment. The Commr did not recommend the refund but supported the re-mission which was sanctioned in the G.O. under date 25th June 1899, 1992.

3. In Feb. of the past year, the Commr. with advice to this order recommended that as Mr. Herklotz had not been allowed a refund of purchase money, he should be allowed to select 100 acres in another place in lieu of his original purchase, but the Govt declined this on the ground that

some Rs 3000/- has been remitted.

I would not allude to any exchange - but we may let us see an act of grace in kind a few acres of what he has. I think the Government business may be transacting.

S. O. S.
I must leave this to the Government
A/1

on the whole I think that we may allow Mr. Herklotz to have the 100 acres of land in exchange for the other 100 acres for the wood. I understand the policy of Govt. at this moment is to relieve + raise the rural planting interest by remission and favor. If this is so we have an opportunity of setting up a planter by giving him 100 acres of land for Rs 2250. which he paid for a piece that he cannot use.

that the principle was a bad one.

4. Mr. Brooks now contends that if the principle of allowing relinquishment of land is correct, a fortiori, the principle of allowing an exchange is correct, but overlooks in this case that the relinquishment in this case which was allowed involved the remission of Rs 3000 due to Govt, as Govt rent. If this had been paid, the case would have been much stronger. He also overlooks in his remarks about relinquishment that any person desirous to relinquish has

has only to cease payment
of quitrent which will
involve the sale of the
land for the balance
and its consequent
relinquishment by the
owner. It is submitted,
therefore, that there is
really no analogy be-
tween relinquishment
& exchange, and that
the orders which were
passed after due con-
sideration may be
maintained. The case
of Mr. Mullaly was quite
exceptional & altogether
different from Mr. Herklotz.
In that case no re-
mission of quitrent
had been granted.

Attest

B. J. ...
 with ...
 on No 2511

...
 ...

I a? & a then begin
 here. Mr. Mully
 men terms an ugly
 rumour. R.A.

1859

Nos 2514 & 3381

21.2. Row / 20

As it appears from
 the second paper above
 recorded that the
 land which Mr. Hobbots
 desired to have in ex-
 change for other land
 taken up by him under
 the Waste Land rules is
 also wanted by other
 persons, [The Rt Honble
 the Gov. in Council
 concurs with the Bd
 of Rev in considering
 that the land in
 question should be
 disposed of under

The rules in the ordinary
way. The Com. should
be instructed accordingly

Wm. H. H.

14 To the P^r of Bmg with 5 Encls Sept 25

70
The North West
entrance is
about 100 miles
long.

Ch
Kupuk