Proceedings of the Madras Government, Revenue Department,
14th May 1872.

No. 192H. Read the following letter from the Commissioner of the Nilgiris, to the Chief Secretary to Government, Fort St. George, dated Ootacamund, 1st May 1872, No. 25 :—

In reply to Government Order, 22nd April 1872, No. 650, I have the honour to report that, on receipt of orders, I immediately requested Mr. Herklots's agent to stay all further felling, but I regret to say that 31·70 Acres of the block had already been actually felled and burned as per enclosed survey sketch. As far as these 31 Acres are concerned, the damage is irreparable.

2. Mr. Herklots is now at sea on his way to England ; so Mr. Frank Groves came to me on Monday as Mr. Herklots's attorney, when we endeavoured to come to some reasonable settlement but without success.

Mr. Groves represented that, looking to prospective profits, the nature of the soil and situation, the size of the estate, and the expenditure already incurred, he did not think that Rs. 10,000 or 12,000 would compensate Mr. Herklots for the loss of the whole block, and, in the interests of Mr. Herklots, he strongly urged for permission to go on with operations on the 31 Acres, so as to be ready for the planting season in June and July.

3. I confess, I was staggered at the sum mentioned (which, subsequently in Mr. Groves's letter now forwarded, is put at Rs. 20,000), but he would not abate. The interview ended in my requesting him to put his demands in writing for the information of Government, and explain his reasons.

4. I now much regret that I did not refer the matter to Government before authorizing Mr. Herklots to enter upon the block, because, since the receipt of the Government Order under reply, I have turned up from the records a copy of Mr. Herklots's original application to the Collector of Coimbatore, dated 5th June 1865, in which he expressly* asked for " 100 *Acres of good land above the present ghaut road.*" When the Government therefore in their Order of the 19th July 1865, No. 769, granted him " 100 *Acres of forest land adjoining the Ben Hope Estate,*" it was presumably their intention that he was to have the land " *above the present ghaut road.*"

* I send copy of his letter.

Had Mr. Herklots informed me of the nature of his application, or had I carefully looked it up at the time, I should never have dreamt of giving him the block south of the Coonoor ravine.

5. We can only now take the circumstances as they stand, and determine what is to be done. I confess, as regards the 31 Acres already felled and *burned*, I agree with Mr. Groves. The original forest will never spring up again, and I question whether a patch of Australian or other artificially planted trees would look so much better than Coffee as to justify the expense of recovering the piece.

As regards the 10 Acres unfelled, I will write to Mr. Herklots, and make the best terms I can.

6. The survey sketch will show that the 41 Acres adjoin Coffee land of Mr. Herklots, not, however, as I have since learnt his original holding, but compensation land given him in 1865-66.

7. With regard to paragraph 3 of the Government Order under reply, I will ascertain and report whether any more land on either side of the ghaut has been

granted or sold but not yet felled. It is possible that there may be 2 or 3 Acres of forest unfelled belonging to each estate, but it is evident from my negotiations with Mr. Groves that to recover these patches will cost a sum out of all proportion to the object aimed at.

8. In order to avoid unnecessary expense I have authorized Mr. Groves to recommence work on the 31 Acres felled, as his further operations will not interfere with the planting up of the land, should Government finally decide on resuming it.

No. 192I. ORDER THEREON, 14th May 1872, No. 798D.

Forests, No. 6 A.

ON referring to Government Proceedings, 19th July 1865, No. 769, the Government observe that what they authorized the Collector to grant to Mr. Herklots, by way of compensation for loss of land required for the new ghaut, was 100 Acres of land *above the old ghaut road and immediately above the Ben Hope Estate*, as expressly applied for by Mr. Herklots. It appears from Mr. Breeks's letter of 2nd March that, in order to make up this quantity of land, he made over to Mr. Herklots 41·37 Acres of land *on the Hoolicul side* of the ghaut ravine away from Mr. Herklots's original estate, of which 31·70 Acres have been felled and burned. The Government very greatly regret this departure from their orders, which was in violation of the stringent prohibition which had been issued against the grant of any land on that side of the ghaut, and cannot consider themselves in any way bound to recognize Mr. Breeks's proceedings. They hold themselves perfectly at liberty to resume the land so granted on payment of all expenses actually incurred, and to make over to Mr. Herklots the balance of land due to him in the locality in which he originally applied for it, and to which their sanction was restricted. But as it appears that the 31·70 Acres actually felled and burned have been irreparably damaged, so far as the object of Government is concerned, the Government consent to leave Mr. Herklots in possession of this area on his executing a guarantee in writing to the effect that he takes these 31·70 Acres of land in full discharge of all demands, and binds himself, his heirs, representatives, or assigns, not to build cooly-lines or erect structures of any kind on any part of the land held by him south of the river. The Commissioner will inform Mr. Herklots's agent and attorney of the decision of Government, and report his further proceedings.

(True Extract.)

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

To the Commissioner of the Nilgiris.
,, the Board of Revenue.
,, the Conservator of Forests.

Exd. F. R. Bantleman.

4.5
3 4

2 May 1871
Coïmbatoor

Dear Hudleston:—
My letter about Herklots felling on the South side of the Cauvery River went in yesterday.
When I found Herklots' original application to be for 100 Acres above the Ghât Road (i.e.) on the north side of the river I was greatly disgusted, because my interviews with Herklots on the subject of the balance of land due to him were many, and were always of the most friendly & apparently straightforward character, and he must have seen that I gave him credit for unusual forbearance & punctiliousness

feeling satisfied as I did that most planters with the G.O. of July 1865 in their hands would just have hacked away into adjoining parts as they fancied up the limit of the grant.

Now think Mr Hankletts punctilios about felling here or there without Express permission from me, were not unconnected with his original application —

As I have said however in my official dec no good now in fighting for the 31 acres felled & burned = his marching is done. But could not Govt. state in their order that taking Mr Hankletts letter with the G.O. of 1865 it was clearly the intention to grant him 100 acres in the place ~~of~~ he applied for them viz: above the Shatwood, that I had no business & no power to grant him land therefore without express sanction from Govt., and that Govt. reserve to itself full right in payment of all expenses actually incurred & marked in order the Govt. to resume the land & make over to Mr H. the balance due, in the locality in which he applied for his Compensation — + — But that under the circumstances was brought to notice viz: that the 31 acres have been actually felled & burned & thus irreparably damaged that the Govt will leave Mr. H. in possession thereon on his executing a guarantee in writing to the effect that he will take them 31 acres in full

5a

I wish you an order of the Court of Exchequer to the Bank to the Bank to the Bank. The Bank may receive the Bank's Court and

B. D.

6th June 1772

Lot

discharge of all demands & Matter will lend himself his hereto &c — not to build Cooly lines or erect structures any sort on any part of the land South of the River —

Yours truly

I. Wheeler

To Robt. W. Huddleston Esq

,, the Board of Revenue.
,, the Conservator of Forests.

Exd. F. R. Bantleman.

Revenue Dept:

No. 798 Dr.

Proceedings of the Madras Govt
Under date the 14th May 1872.

Read the following letter from the Commissioner of the Nilgiris.

Forwarding letter from Mr. Herklots' agent in connection with felling of forest on the South side of the Coonoor Ravine. } H. E. 1st May 1872, No. 25.

On referring to Govt. Proc: 19 July 1865, No. 769, the Govt observe that what they authorized the Collector to grant to Mr. Herklots by way of compensation for loss of land required for the new ghat was 100 acres of land above the old ghat road and immediately

immediately above the
Ben Hope Estate as expressly
applied for by Mr. Herklots.
It appears from Mr. Brooks
letter of 2d. March that
in order to make up this
quantity of land, he with-
-out authority and indeed
in opposition to express
orders, made over to Mr.
Herklots 41.37 acres of land
on the Hoolicul side of
the ghat ravine away
from Mr. Herklots' origin-
al estate of which 31.70
acres have been felled
and burned. The Govt.
very greatly regret this
departure

departure from their orders
which was in violation
of the stringent prohibi-
tion which had been
issued against the grant
of any land on that
side of the ghat and
cannot consider them-
selves in any way
bound to recognise Mr.
Brooks' unauthorised
proceedings. They hold
themselves perfectly
at liberty to resume
the land so granted,
on payment of all
expenses actually
incurred

incurred, and to make
over to Mr Herklots the
balance of land due to
him in the locality in
which he originally
applied for it, and to
which their sanction
was restricted - But
as it appears that the
31.70 acres actually felled
and burned have been
irreparably damaged
so far as the object
of Govt is concerned,
the Govt consent to
leave Mr Herklots

in

in possession of this
area on his executing
a guarantee in writing
to the effect that he
takes these 31.70 acres
of land in full discharge
of all demands, and
binds himself, his heirs,
representatives & assigns
not to build coolie lines
or erect structures of
any kind on any part
of the land held by
him south of the
river - The Commr
will inform Mr Herklots

Agnt

agent & attorney of the
decision of Govt., and
report his further pro-
ceedings.

3. Comm'rs of Pilgrims. Dec 29 May
14 033 of Rec
13. Conv. of Treaties

Dft
Lord Granville
(Confidential)
Use of Commissioners

No. 192-H-1869

Govt. of {1872} Madras.

REVENUE.

To

THE COMMISSIONER OF THE NILGIRIS.

&c., &c., &c.

Dated May 14th. Read

G. O., 14th May 1872, No. 798D.

Vide 15th Proc. 20 Mar 8/75 No 2345

MAY.

Nos. 192H-192I

Land granted to Mr. Herklots on the south side of the Coonoor ravine.—Letter from the Commissioner of the Nilgiris on this subject, with orders thereon.