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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / B.P. No.	1284	Press / Mis.
Dated 20. 2. 1875		196 .

Not to be folded or roughly handled

No. 161. Read the following Proceedings of the Board of Revenue, dated 20th August 1875, No. 2,345, Forest No. 176 :—

Read the following Memorandum from Captain C. WALKER, Officiating Inspector of Forests, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 31st July 1875, No. 398.

THE Officiating Inspector of Forests sees no objection to the grant of the land on the terms proposed by Mr. Cockerell. It adjoins the portion already cleared by Mr. Herklots, now known as the Benhope Estate, to the grant of which great exception was taken on account of its greatly marring the picturesque appearance of the Coonoor Ghaut.

2. It is open to question whether or not the original allotment should have been made by the late Commissioner, but the Officiating Inspector agrees with Mr. Cockerell that the clearing of an additional 10 acres will make the scar no more unsighty, and that a tenant, who is spending Rupees 20,000 a year on the hills, is entitled to every consideration and support.

ENCLOSURE No. 1.

From J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 21st July 1875, No. 73.

I HAVE the honor to submit, for favorable consideration, an application from Mr. Herklots for 10 acres of forest land adjoining his estate of Benhope in the Coonoor Ghaut.

2. I enclose a sketch of the application.

3. By G. O., Public Department, dated 19th July 1865, No. 769, a grant of 100 acres of forest in the Coonoor Ghaut was made to Mr. Herklots as compensation for 6 acres 6 c. 11 p. taken up by Government through his estate for the new ghaut.

4. In 1870, in consequence of the preparation of a plan of the Benhope Estate, the old Coonoor Ghaut was so far, as it ran through the estate, demarcated, and an appropriation was made from the property for the marginal reserve maintained for all grants.

5. In compensation for the land thus taken up, the late Commissioner granted in writing to Mr. Herklots the plot colored red in the enclosed sketch comprising 9·50 acres. Mr. Breeks made no application to Government in the matter.

6. According to the grant in the Government Order and the grant made by Mr. Breeks, Mr. Herklots should have received 110 acres of land. By G. O., dated 14th May 1872, No. 798-D, Revenue Department, 10 acres of the land, that had been put in his hands, which amounted to 110 acres, was taken away from him, and the plot is the red-colored patch in the sketch.

7. When G. O., dated 14th May 1872, appeared, Mr. Herklots was in England. He returned to India only at the beginning of the current year. He informs me that, owing to his absence, the circumstance, that the 9·50 acres comprising the red patch formed the compensation grant for the land seized for the reserve, fell out of sight. No doubt the late Commissioner overlooked the matter.

8. The 10 acres now asked in lieu adjoins the existing felling on the south side of the Coonoor stream.

9. I recommend the grant of the land on the grounds—

(1.) That Mr. Herklots is spending £2,000 per annum on Benhope, and is, therefore, a desirable tenant, such as the Government would seek probably to encourage.

(2.) That the grant will not interfere with the rainfall.

(3.) That, in a picturesque point of view, the allotment of the land will not make a difference as the felling of 10 acres will merely add slightly to a large existing scar.

(4.) That, if it was otherwise, the land should be allotted, because, if æsthetic considerations are to form a paramount consideration in questions of this nature, many desirable tenants will be excluded from the country to the detriment of the interest of the State, and it is manifest that settlers have a claim to a higher consideration than the tastes of travellers on the ghaut. Moreover, it must be borne in mind that travellers are not repelled by unsightly places, because they traverse the ghaut, not for the beauty of the ghaut, but for the air of the plateau beyond whence the part of the ghaut under discussion is not visible.

10. I would suggest that I may be permitted to hand over the land to Mr. Herklots on his payment to the Forest Officer of the usual seigniorage, if it is found there are trees on the plot on which seigniorage is leviable. Mr. Herklots will, of course, be charged further demarcation charges.

ENCLOSURE No. 2.—Sketch.

BY G. O., dated 19th July 1865, No. 769, Government sanctioned the grant to Mr. Herklots of 100 acres of land above the old ghaut road and immediately adjoining the Benhope Estate as compensation for land taken up. A block of sufficient size could not be obtained in this locality, and, after survey, it was found that about 40 acres were due to him. Mr. Breeks then assigned to him a block of 41·37 acres on the south side of the ravine; but, when this was brought to notice, the Government objected, and felling was stopped after 31·70 acres had been cleared. As this damage was irremediable, Government consented (G. O., dated 14th May 1872, No. 798-D) to leave Mr. Herklots in possession of this portion (which had been granted to him without authority, and, in fact, contrary to orders), on condition that he took these 31·70 acres in full discharge of all demands and consented not to build upon them. The balance of 9·47 acres then reverted to Government. Mr. Herklots' agent, Mr. Groves, executed a deed, embodying the terms prescribed by Government (G. O., dated 9th August 1872, No. 1,178).

Paragraph 4 of Commissioner's letter, recorded in G. O., dated 22nd April 1872, No. 650.

2. In these circumstances it is difficult to see how he can now prefer any claim at all. The Commissioner's account of the matter is somewhat confused. The plot colored red is apparently the balance of Mr. Breeks' grant, which reverted to Government, and to which Mr. Herklots renounced all claim. Mr. Cockerell says in paragraph 6: "According to the Government Order and the grant made by Mr. Breeks, Mr. Herklots should have received 110 acres of land." But the Government Order distinctly says 100 acres, which was all that was asked for, and the statement must mean, that the block above the estate must have been 70 acres, and not 60 as estimated on the preliminary survey, with reference to which the balance due was stated to be 40 acres, and Mr. Breeks made a grant approximately of that extent. On the ground that Mr. Herklots ought to have got 110 acres, Mr. Cockerell now recommends that 10 acres should be given to him on the same side of the stream which is contrary to Government Orders.

3. But, if Mr. Cockerell's statement be correct, it appears that Mr. Herklots has, in fact, got the 100 acres originally intended to be assigned to him in compensation; and, therefore, apart from the fact that he has already renounced by deed

all further claim (to which point Mr. Cockerell has not referred), he has no claim, even moral, to any further grant.

(True Copies and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 162. ORDER THEREON, 20th September 1875, No. 1,381.

Forests, No. 16.

THE Commissioner should be called upon for an explanation with reference to the points noticed by the Board of Revenue.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

Exd. A. Grubert.

Revenue Department.

No. 3449

From Bd of Rev. Dated 20 August 1875.

FOR ORDERS.

The Comm.r Concd.
Submit for Govt.
Mch 1876

Copy of letter from the Board of Revenue, dated 20th August 1875, No. 1,381.

To

THE BOARD OF REVENUE.

Dated September, 20th

Read.

G. O. 20th September 1875, No. 1,381.

SEPTEMBER.

Nos. 161-162.

Forest land adjoining the Bungow Estate in Dumka, Chief on the Nilgiris.—With reference to Board's Proceedings on the subject of Mr. Heddle's application for 10 acres of—In addition to the grant already made as compensation for land taken up through his estate for the public requiring explanation in respect to the points raised by the Board of Revenue.

Vide Govt. Proc. 24 Sept. 1875 No. 2,083.

Vide Govt. Proc. 24 Sept. 1875 No. 2,083.

Vide entry 12th Feb.

FOR ORDERS.

Land adjoining the Benhope Estate in Coonoor Ghaut. Rejected

RD under the 2d Proprietary Table Resolution

5/1351

FOREST No. 176.

Proceedings of the Board of Revenue, dated 20th August 1875, No. 2,345.

Read the following Memorandum from Captain C. WALKER, Officiating Inspector of Forests, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 31st July 1875, No. 398 :—

The Officiating Inspector of Forests sees no objection to the grant of the land on the terms proposed by Mr. Cockerell. It adjoins the portion already cleared by Mr. Herklots, now known as the Benhope Estate, to the grant of which great exception was taken on account of its greatly marring the picturesque appearance of the Coonoor Ghaut.

2. It is open to question whether or not the original allotment should have been made by the late Commissioner, but the Officiating Inspector agrees with Mr. Cockerell that the clearing of an additional 10 acres will make the scar no more unsighty, and that a tenant, who is spending Rupees 20,000 a year on the hills, is entitled to every consideration and support.

Enclosure No. 1.

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2. I enclose a sketch of the application.

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4. In 1870, in consequence of the preparation of a plan of the Benhope Estate, the old Coonoor Ghaut was so far, as it ran through the estate, demarcated, and an appropriation was made from the property for the marginal reserve maintained for all grants.

5. In compensation for the land thus taken up, the late Commissioner granted in writing to Mr. Herklots the plot colored red in the enclosed sketch comprising 9·50 acres. Mr. Breeks made no application to Government in the matter.

6. According to the grant in the Government Order and the grant made by Mr. Breeks, Mr. Herklots should have received 110 acres of land. By G. O., dated 14th May 1872, No. 798-D, Revenue Department, 10 acres of the land, that had been put in his hands, which amounted to 110 acres, was taken away from him, and the plot is the red-colored patch in the sketch.

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(2.) That the grant will not interfere with the rainfall.

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(4.) That, if it was otherwise, the land should be allotted, because, if æsthetic considerations are to form a paramount consideration in questions of this nature, many desirable tenants will be excluded from the country to the detriment of the interest of the State, and it is manifest that settlers have a claim to a higher consideration than the tastes of travellers on the ghaut. Moreover, it must be borne in mind that travellers are not repelled by unsightly places, because they traverse the ghaut, not for the beauty of the ghaut, but for the air of the plateau beyond whence the part of the ghaut under discussion is not visible.

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3. But, if Mr Cockerell's statement be correct, it appears that Mr. Herklots has, in fact, got the 100 acres originally intended to be assigned to him in compensation; and, therefore, apart from the fact that he has already renounced by deed all further claim (to which point Mr. Cockerell has not referred), he has no claim, even moral, to any further grant.

(True Copies and Extract.)

H Elsmie

Acting Secretary.

To the Commissioner of the Nilgiris.

Copy to the Acting Secretary to Government, Revenue Department, with a sketch, to be returned.

" to the Inspector of Forests.

Exd. A. Grubert.

1875.

Board of Revenue,

MADRAS.

PROCEEDINGS, 20TH AUGUST 1875, No. 2,345.

Encl.

Received

AUGUST.

Forest No. 176.

Forest land—adjoining the Benhope Estate in Coonoor Ghaut in Nilgiri District.—Remarks passed with reference to application of Mr. Herklots for 10 acres of — in addition to the grant already made as compensation for the land taken up through his estate for the new ghaut.