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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue.....DEPARTMENT

G.O. No.	2221	Press
B.P. No.		Mis.
Dated	21. 10-1875	196 .

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th September 1875.*

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 unsightly, 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 1 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. Brooks made no application to Government in the matter.

6. According to the grant in the Government Order and the grant made by Mr. Brooks, Mr. Herklots should have received 110 acres of land. By G. O. dated 14th May 1872, No. 798-1, 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 of the existing falling 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.

Revenue Department.

*Proceedings of the Madras Government, Revenue Department,
20th September 1875.*

(4.) That, if it was otherwise, the land should be allotted, because, if aesthetic 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 further 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 Office of the usual salamoraga. If it is found there are trees on the plot on which salamoraga is leviable, Mr. Herklots will, of course, be charged further demarcation charges.

Enclosure No. 2.—Sketch.

By G. O. dated 17th 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 Herklots 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. Brecks then assigned to him a block of 41.37 acres on the south side of the ravine, and when this was blocked by the Government, objected, and falling was removed after 21.70 acres had been cleared. As the damage was irreparable, Government sanctioned G. O. dated 1st May 1872, No. 793-D to leave Mr. Herklots in possession of the portion which had been granted to him without authority, and, in fact, contrary to orders, on condition that he took 31.70 acres in full discharge of all demands and consented not to build upon them. The balance of 10 acres then reverted to Government. Mr. Herklots agent, Mr. [Name], executed a deed embodying the terms prescribed by Government (G. O. dated 1st May 1872, No. 793-D).

2. In this circumstance 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 referred to is apparently the balance of Mr. Brecks' grant, which reverted to Government, and to which Mr. Herklots renounced all claim. Mr. [Name] says in paragraph 5: "According to the Government Order and the grant made by Mr. [Name], Mr. Herklots should have received 110 acres of land." But the Government Order actually says 100 acres, which was all that was asked for, and the statement is clear, that the block above the estate must have been 70 acres, and that 20 acres were on the preliminary survey, with reference to which the balance was said to be 40 acres, and Mr. Brecks made a grant of 41.37 acres. On the ground that Mr. Herklots ought to have received 110 acres, it is now recommended that 10 acres should be given to him on the ground that the grant which is contrary to Government Orders.

3. But if Mr. [Name]'s statement be correct, it appears that Mr. Herklots was in Government's hands originally intended to be assigned to him an compensation, and, in consequence of the fact that he has already renounced by deed

*Proceedings of the Madras Government, Revenue Department,
20th September 1875.*

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.

Edw. A. Gurney

Revenue Department.

FOREST No. 199.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 24th September 1875, No. 2,533.

Read the following letter from J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Ootacamund, 4th September 1875, No. 95:—

In their Proceedings, Forest No. 176, dated 20th August 1875, No. 2,345, forwarding to Government an application from Mr. Herklots for 10 acres of forest adjoining that part of the Benhope Estate, which lies on the south side of the Coonoor ravine, the Board remark: "The Commissioner's account of the matter is somewhat confused. The plot colored red is apparently the balance of Mr. Brecks' grant which reverted to Government, and to which Mr. Herklots renounced all claim."

2. In my letter in the Proceedings I wrote: "A grant of 100 acres of forest in the Coonoor Ghaut was made to Mr. Herklots as compensation for acres 6, c. 6, p. 11, taken up for the new ghaut." This was in 1865.

In 1870 "Benhope" was demarcated, and an appropriation was made from the estate to form a margin for the old ghaut. Mr. Brecks without application to Government or any authority whatsoever gave Mr. Herklots 10 acres of land in compensation for this appropriation. The italics are now inserted.

3. The former allotment by Government had nothing to do with the allotment by Mr. Brecks. There was an interval of five years between the two.

4. In 1872 Mr. Herklots through his agent renounced all claim to further appropriation as regards his claim under the Government grant of 100 acres.

5. He did not renounce the 10 acres granted by Mr. Brecks, nor did he intend to renounce this plot. But the plot inadvertently came to be lumped up with the land renounced out of the 100 acres.

6. Mr. Herklots returning to India at the beginning of the current year detected the mistake that had occurred, and now claims restitution of the 10 acres given by Mr. Brecks.

SUBMITTED to Government in continuation of Board's Proceedings, dated 20th August 1875, No. 2,345, Forest No. 176.

2. The Commissioner of the Nilgiris now explains more clearly that Mr. Herklots considers himself entitled to 110 acres, viz., the original 100 acres on account of the new ghaut, and 10 acres on account of land taken up for a margin to the old ghaut. The latter, it is said, was included in the grant made by Mr. Brecks, and claim to it was not renounced.

3. On referring to Mr. Brecks' letter (G.O. dated 22nd April 1872, No. 650) the Board observe that the whole extent claimed by Mr. Herklots to be made good is stated as 100 acres (paragraph 8); and the Board are unable to find in the correspondence any reference to a claim on account of the old ghaut. From Mr. Brecks' language, it appears that the assignment he made was on account of the balance of the grant of 1865. It appears, therefore, that the claim now put forward for 10 acres is an after-thought, and, if it had existed in 1870, it would doubtless

have then been urged. Whether the deed, copy of which was forwarded to Government (G. O., dated 9th August 1872, No. 1,178), is so expressed as to include renunciation of this claim also, the Board cannot say, but they recommend that it be now rejected.

(A true Copy and Extract.)

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

To the Acting Secretary to Government, Revenue Department.
Copy to the Commissioner of the Nilgiris.
to the Inspector of Forests.

Ed. A. Grubert.

Revenue Department
Forest & Miscellaneous No. ³⁷³
9/149

Proceedings of the Board of Revenue
Dated 9th October 1875

Read Proceedings of the Madras Govern-
ment, Revenue Department, dated
20th September 1875, No. 1381, requesting
explanation in respect to the points
noticed by the Board of Revenue,
with reference to their Proceedings on
the subject of Mr. Herklot's application
for 10 acres of Forest land adjoining
the Benhope Estate in the Coonoor District
in the Nilgiris.

Communicated to the Commissioner,
Nilgiris.

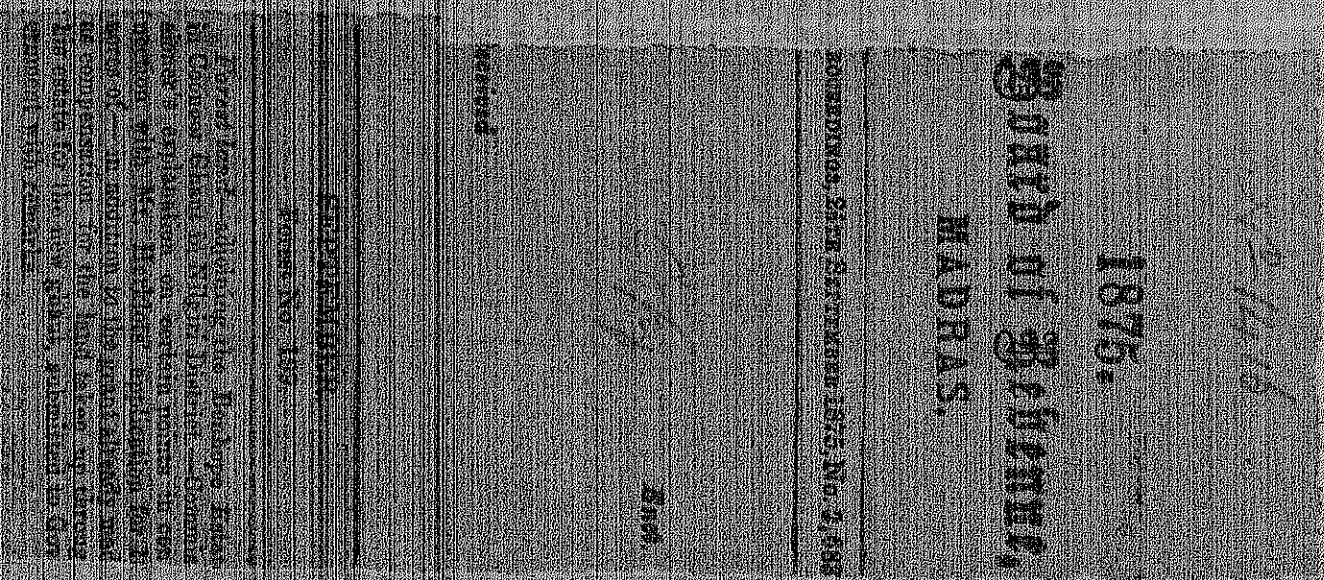
2. The Commissioner's further report was
submitted with Board's Proceedings 26th September
1875, No. 199.

(Enclosed)

H. E. Stokes

To The Secretary to Government & Secretary
Revenue Department.

12/11/75



PO 20 1895 to 1897 - 12

No 4096
November 1895 to 1896

Proceedings of the
Board of the same

Notes of October 1895
to 1896 -

No 22221

Notes of

1895 to 1896

in the month of April

for the month of April

and the month of April

to the month of April

to the month of April

to the month of April