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GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Dated 18-2-1876 ~~196~~ .

Not to be folded or roughly handled

Read the following papers :—

No. 223. Proceedings of the Board of Revenue, dated 13th October 1875, No. 2,852.

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, 16th September 1875, No. 100 :—

I HAVE the honor to forward, for the remarks of the Board of Revenue, copy of my letter to Government, No. 67, dated 9th instant, submitting the report called for in G.O., No. 1,102, of 28th August 1874, on the subject of the sale of waste land on the Nilgiri Hills.

2. To prevent delay I have submitted the report direct to Government.

ENCLOSURE No. 1.

From J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to A. MACGREGOR, Esq., Acting Secretary to Government, Revenue Department, dated Ootacamund, 9th September 1875, No. 67.

WITH reference to G.O., Revenue Department, No. 1,102, of 28th August 1874, I invited General Morgan, Captain Campbell Walker, Acting Inspector of Forests, and Messrs. Rohde, Brace, and McIvor to form a Commission in conjunction with myself to report on the waste land rules.

2. The report has been delayed so long owing to different opinions amongst the members of the Commission leading to drafts and redrafts. In order to obviate further delay, I have the honor to forward the report direct, and am sending a copy to the Board of Revenue for remarks.

3. In submitting the report, I beg to quote a petition presented to Parliament on June 3rd, 1875, by Sir George Campbell in favor of promoting emigration to India printed in the *Overland Mail*, dated 13th August 1875. The penultimate clause of the petition runs : "Sir G. Campbell says we want improved facilities for the resort of Europeans to the better hill climates of India, facilities for their settling there, &c.

4. I extract this sentence in view to showing the interest taken in England on the subject of settlement of Europeans in India and the need of such waste land rules therefore on the Nilgiris as will facilitate settlement. The European, not only brings capital into the country, but makes use of improved processes of cultivation, demanding a much larger annual outlay on the land than is bestowed by natives, and he settles on tracts which would be waste and unproductive unless he occupied them. Apart from the land tax he pays, his yearly expenditure in cultivation is an important indirect advantage to the State. It enriches the laborers, enabling them to pay taxes they would not otherwise have means to meet, and it enriches the country as the planter furnishes articles of export which it requires his skill and energy to produce.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

ENCLOSURE No. 2.

Report of the Commission appointed under Government Order, No. 1,102, *dated 28th August* 1874, *to consider the expediency of a change in the present rules for the sale of waste lands on the Nilgiris.*

GOVERNMENT ORDER, Revenue Department, dated 28th August 1874, No. 1,102, calls for a report on the sale of waste lands on the Nilgiri Hills, and desires that Mr. McIvor, General Morgan, and any other gentlemen well acquainted with the condition of land in the district be associated with the Commissioner in the inquiry.

2. We have the honor to submit the following remarks on the subject.

3. The questions referred for our consideration are—

(*a*.) Whether it may be possible to abrogate the system of auction beyond, say, three to five miles round the hill stations, and, in lieu thereof, to charge a very moderate upset price, which might be fixed at different rates for different districts of the hills for all comers subject to the assessment and stipulations intended to secure the *bonâ fides* of the purchasers.

(*b*.) Whether woodlands should be subjected to a special rate and valuation with reference to standing timber.

4. The "Revised Manual," as it was called from being a revision of a set of rules submitted to the Government by the Board of Revenue for the sale of waste lands on the Nilgiri Hills, was the first set of rules on the subject of the alienation of land. The manual came into force in 1849. The provisions of the manual were—

(1.) That no land was to be sold without the consent of the Board of Revenue.

(2.) That land was to be put up to auction at an upset price of eight to ten times the assessment on similar land in the nearest village.

(3.) That the price obtained was to be in addition to the annual assessment.

(4.) That the fee simple of the land was in no case to be sold.

(5.) That land for agricultural purposes was to be sold by auction on lease for thirty years for building sites on lease for ninety-nine years.

(6.) That land purchased for agriculture was liable to re-assessment at the end of thirty years.

(7.) That building lots were not liable to re-assessment and the leases were renewable every thirty-three years at the option of the lessee.

(8.) That purchasers of land for agricultural purposes were to satisfy the Collector that they possessed means to cultivate.

(9.) That land purchased for agriculture was to be brought into cultivation in "certain specified proportions" on pain of forfeiture.

(10.) That purchasers might only sell such part of the land acquired as was under cultivation.

(11.) That they were to allow rights of way to adjoining properties without compensation, but were to receive compensation for land taken up for public roads.

(12.) That rights in streams, springs, and minerals were reserved.

(13.) That power was reserved to Government notwithstanding the rules to grant land in exceptional cases on any terms deemed expedient.

5. The "Revised Manual" remained in force until 1859, when a fresh manual was issued.

6. The provisions of this manual differed from the provisions of the prior manual in the following respects :—

(1.) No upset price was fixed for land sold for agriculture. The land was to be sold by auction "subject to an annual assessment of one rupee per acre redeemable at twenty years' purchase."

(2.) Building sites were to be sold at auction at an upset price of 2 Rupees per acre on freehold tenure.

7. The new manual was superseded in 1863 by the "waste land rules," which are the rules still in force. Under these rules—

(1.) Reserves are made.

(2.) No unreserved lot within the stations can exceed 10 acres or outside them 500 acres, but each person may apply for several contiguous plots of the stated dimensions.

(3.) Auctions are maintained, the upset price being the cost of demarcation and survey. The land is to bear an annual assessment of 2 Rupees per acre for sholah and one Rupee per acre for grass.

(4.) The assessment is redeemable at twenty-five years' purchase.

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8. The waste land rules are less liberal than the rules of 1849 in the following points:—

(1.) They fix the assessment on forest at Rupees 2 per acre and on grass at 1 Rupee per acre. The rules of 1849 made the assessment the rate on similar land in the nearest village and this for grass land was never more than 4 annas per acre. No sholah land was allowed to be cultivated in villages.

9. On the other hand the waste land rules abolished numerous restrictions imposed by the Rules of 1849. They abrogated the rules—

(1.) That the upset price was to be eight to ten times the assessment.

(2.) That no title on fee simple could be given.

(3.) That inquiries were to be made regarding the pecuniary means of the purchasers.

(4.) That land purchased was to be cultivated in certain proportions.

10. The waste land rules raised the assessment fixed by the rules of 1859 from a common rate of 1 Rupee to 2 Rupees per acre for sholah and 1 Rupee per acre for grass, but they reduced the rate on building lots, which, under the rules in question, was Rupees 2 per acre to the agricultural rate.

11. G.O., No. 1,656, of 22nd September 1871, modified the waste land rules by a reduction of the rate on grass from 1 Rupee to 8 Annas per acre and by the remission of the assessment on woodlands for the first five years, succeeding purchase. These modifications had retrospective effect.

12. The Government Order under reply makes a further modification. It directs that grass land like sholah land shall only come under assessment after five years.

13. The present position of unreserved land is that it is sold at auction at the upset price of demarcation and survey and both sholah and grass are free for five years when an assessment of 2 Rupees per acre falls on the former and 8 Annas per acre on grass land, and that proprietors can redeem at twenty-five years' purchase.

14. The Nilgiri District contains in round numbers, exclusive of the Outcherlony Valley, 500,000 acres of land. 33,000 acres of this area are under cultivation by the hill tribes.

15. Prior to the publication of the rules of 1849 there were no plantations on the hills. One coffee plantation was open in the Ouchterlony Valley.

16. Under the rules of 1849, 4,800 acres of land were acquired by planters.

17. Under the rules of 1859, 7,000 acres were purchased, out of which upwards of 1,800 acres were afterwards abandoned, leaving a net appropriation under these rules of 5,200 acres.

18. Under the waste land rules of 1863 the sales of lands have been 12,000 acres, of which 3,000 acres have been thrown up. An increased demand for land has recently arisen.

19. On the Nilgiri Hills Proper there are, therefore, at present 19,000 acres in the hands of planters. These figures do not include 1,000 acres under cinchona, the property of Government, and 1,000 acres of Government Eucalyptus plantations. In the Ouchterlony Valley about 5,000 acres of land are under coffee, tea, and cinchona.

20. Most of the land owned by planters has been sold at the upset price. The important exceptions are the following:—

(1.) G.O., Revenue Department, dated 22nd November 1867, No. 2,770.—Two hundred acres of land in Chengal Valley were run up to 8,400 Rupees. The opposing bidders were natives under the erroneous impression that the applicant and purchaser had already planted up 20 to 30 acres of the land with coffee.

(2.) Proceedings of the Board of Revenue, dated 22nd December 1868.—Two blocks of land in the Orange Valley were bid up to 7,500 Rupees by a native. The land turned out worthless and was never cultivated.

(3.) G.O., dated 24th June 1869, Revenue Department, No. 1,702.—Three hundred acres of land were run up to 2,200 Rupees by natives. The land turned out worthless and was abandoned.

(4.) On the 29th April 1864 at a sale of 185 acres of land beyond Kotagherry native competitors ran up the price to 4,442 Rupees.

(5.) In June 1867, 42 acres of land adjoining Runnymede Estate in the Coonoor Ghaut were run up to 1,310 Rupees. The competition resulted from a misunderstanding between certain planters on the ghaut. The land has been incorporated with Runnymede.

(6.) At the same sale owing to the same cause in the same locality 12½ acres of land fetched Rupees 600.

(7.) In July 1867, 33 acres of land adjoining the Hill Grove Estate on the Coonoor Ghaut fetched 949 Rupees from the owner of the estate. The adverse bidding was by a native.

(8.) In October 1873, 65 acres of land at Billicul were bid up by natives to 2,225 Rupees.

(9.) In February 1874, 113 acres of land applied for and purchased by the owner of the Hoolicell property fetched Rupees 3,601. The adverse bidder was a native.

(10.) On the same date 75 acres of land at Thaymullay were bid up to 25,115 Rupees. There was nothing in the quality or situation of this land to make it specially valuable. The competition in the first instance was between the applicant and planters in the vicinity of the land who wished to keep out neighbors. Finally the land was knocked down to a native.

21. The above history of the rules that have been successively introduced and their effect shows that the demand for land has augmented in proportion to the liberality shown by the Government, and this in our opinion is a fact that should be kept prominently in view. Land on the Nilgiris is poor and requires skilled culture to make it pay. Unless inducements are offered to planters to settle, it cannot be expected that any very rapid extension of cultivation over the large area unemployed will take place. Mr. Robertson, the Superintendent of the Government Farm at Sydapet, writes in his report upon the Nilgiris, dated 1875, at page 31 : "Under all the circumstances I do not think it would be safe to put the average profit derived from a coffee estate when in full bearing at more than fifteen per cent. on the capital employed, and this is not much seeing how insecure that capital is. Capital sunk in a farm in England would produce 7½ per cent. profit, and, as before pointed out, the British farmer has many advantages that the coffee-planter does not possess." Cultivation by the hill tribes is not likely to increase because the native inhabitants find they can obtain a better livelihood by working on estates than by raising the indigenous grain crops. The facts are that it is decreasing. There has been a falling off of 3,000 acres in the last seven years, the present figures being 33,000 acres against 36,000 acres under the plough in 1868. The only prospect, therefore, of bringing the waste under occupation is to afford assistance to planters, and to effect this end it is necessary that every reasonable encouragement should be offered. The Secretary of State wrote in his despatch to the Supreme Government, dated 9th July 1862, on the waste land rules of 1863 at paragraph 24 : "I fully admit the advantages which have arisen, and which in future are likely to arise, from the settlement of Europeans in many parts of India by the introduction of new or improved processes of agriculture and manufacture and by the moral influence of their example on the neighboring population, and I am most anxious that every facility should be given to persons desirous of settling in India with that object in view." It must be remembered that planters not only sink capital, but bring to cultivating processes an energy not found amongst natives. The latter merely scratch the surface of the ground and take the crops the land spontaneously yields. Their system is exhausting and long periods of fallow are necessary. An acre of land held by a native probably yields him 20 Rupees a-year net while it is under crop. The planter on the other hand fosters the productive power of his land with manure. His opened land never lies fallow, and he is obliged to spend on it 100 Rupees per acre per annum to make it yield the increase that pays him for putting it under the plough. Moreover he is compelled to do what the native is not Having embarked his whole fortune in the land, he cannot throw up his plantation. The native can migrate at any moment or throw up his holding well aware that cooly labor will give him a better and a more certain livelihood than his land. The native interests connected with land require no encouragement. On the other hand the State reaps a permanent advantage in assisting

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the planters and offering inducement to him to settle. Hitherto the planter has not been encouraged. Notwithstanding his value to the State, he has been required to pay for land very much more than the native. The survey of the Mekanad Division has lately been completed, and the result discloses the fact that in that district the native cultivator holds four times the area he has been paying for. But the planter has been charged for every acre of his holding. There is another consideration favoring liberality. The land on the hills is "dry land," and such land in the plains pays an assessment of from 2 Annas to a Rupee per acre against 2 Rupees for forest and 1 Rupee for grass hitherto paid here. Irrigated land below pays a high assessment, but this is for the water supplied from works which cost the State large sums of money to keep up. The planter, in fact, has been charged much higher than the native.

22. It is well here to state what the existing burdens on lands on the Nilgiris are as compared with the burdens imposed on waste lands occupied by planters in the north of India, in Ceylon, and in the Anamallais. It will appear that the Nilgiris are the worst circumstanced of all. By Lord Canning's rules waste in the whole of India was, we believe, made allottable in fee simple to planters at Rupees 2½ per acre including all charges. The Madras Government refused to allow these rules to be applied to the Nilgiris, and the waste land rules of 1863 were substituted. In Darjeeling all the available land is under occupation. The area is 20,000 acres. Part is held under renewable lease for thirty years, and bears an assessment of 6 Annas per acre Part is freehold purchased at an upset price of Rupees 2-8-0 per acre. Four millions of pounds of tea were exported from Darjeeling last year. Tea-planting commenced in 1856. In Ceylon the Government surveyors select blocks of forest land, and these blocks are exposed for sale in fee simple at stated periods at an upset price of 10 Rupees per acre. Until lately the upset price was Rupees 2-8-0 per acre. The Government "reserves to itself the right of making and constructing such roads, &c., as may be necessary for public purposes in all lands sold." In the Anamallais we believe the Government allots land freehold at Rupees 5 per acre for forest and Rupees 2-8-0 per acre for open land, the cost of demarcation and survey being an additional charge. On the Nilgiris land is sold at the upset price of the demarcation and survey, and in the sixth year after purchase an assessment of 2 Rupees per acre falls on the forest and of 8 Annas per acre on grass, and the redemption of the land is fixed at twenty-five years' purchase, or at 50 Rupees per acre for sholah and 12½ Rupees per acre for grass. Thus the upset price of freehold in the north of India is 5 shillings per acre, in Ceylon 20 shillings per acre, and on the Anamallais 10 shillings per acre, whereas the upset price of land on the same tenure on the Nilgiris is 100 shillings per acre *plus* the cost of demarcation and survey, which may be taken on large blocks at 2 shillings per acre. The freehold price in Wynaad, where the Nilgiri rules are in force, is the same, but land held there from Native Rajahs only pays assessment on that part of the holding which may be cultivated, and the tax falls in the third year of cultivation. Private land in the Wynaad is, therefore, held on easier terms than Government land.

23. The result of the liberal land policy in the north of India is that the tea industry, which hardly had existence twenty years ago, is very important, about 20,000,000 lbs. of tea being exported annually from Calcutta, and the result of a liberal policy in Ceylon is that within the same period the revenue has run up to nearly £ ,000,000 and the sea-borne trade chiefly in connection with the coffee interest is £10,000,000 sterling per annum. During this period the Nilgiris, including the Ouchterlony Valley, have developed an acreage of plantation aggregating only 25,000 acres, the annual outturn of which may be assumed to be at £10 per acre net, a quarter of a million of money, though actually it must be more than three times the amount, as in good years 2,000 tons of coffee are raised in the Ouchterlony Valley alone. We cannot but attribute this slow progress to the obstacles placed on the acquisition of land and the burdens laid on it, as there are indications that tea will pay on the plateau and coffee does pay on the sites where that commodity is produced. It has been urged that tea will not pay, and that experiments in tea-planting have invariably ended on the hills in loss. We can give no reliable information on the subject, but we do not think that any doubt as to the soundness of tea-planting as an

industry is shown by the public because applications for land are more numerous than hitherto, and at all events we remark that it is not for Government to make inquiries about the prospects of the enterprise, but to meet on as liberal terms as possible applications for land to carry it on.

24. Another reason for slow progress on the Nilgiris may be traced to the fact that Government has paid little attention to the wants of planters as regards communications. The Coonoor, Seegoor, and Goodalore Ghauts may be considered as imperial works opening up access to the hills and constructed in the interests of Government and of visitors. The money actually spent on roads made to develop planting in the last four years aggregates a sum of 70,000, Rupees of which 55,000 Rupees were laid out in the construction of the Kotagherry Ghaut. The whole sum spent on roads in this period on the hills has been Rupees 315,000. Had the Kotagherry Ghaut, therefore, not been cut, the annual expenditure out of the yearly sum devoted to roads on the hills applied to the development of the planting interest would have been short of Rupees 4,000. Previously much less was spent on planter's roads. We annex a list of the roads opened in the planting interest in the period specified with the outlay on them :—

	RS.
1. Road from Yellanully Chuttrum to the Kartary Road Junction with Mailoor and Deva Sholah...	4,000
2. Road from Deva Sholah to Coonoor *vid* Kartary	5,000
3. Colacambay Branch Road	5,500

25. It is apparent from these facts that land has been offered to planters at very high rates and that the Government has afforded insignificant assistance to planters in the matter of roads. What sums have been spent on communications in the North-Western Provinces we do not know. Assam and Cachar, however, are intersected with rivers, and most of the estates have water-carriage within easy distance. In Ceylon the policy has been to open the country by means of roads and rail roads and to consider the planting interest *paramount*.

26. The above remarks indicate some of the difficulties with which planters on the Nilgiris have had to contend as compared with the planters in the north of India and Ceylon. There are others not less important. The first obstacle a planter meets on the Nilgiris is delay in the acquisition of land. The course pursued is as follows :—The applicant addresses the Commissioner, who calls for a report of the claims on it. When this report is received, the Commissioner asks the opinion of the District Forest Officer, and finally sends the report to the Board of Revenue through the Inspector of Forests, who appends his remarks. The Board record their opinion, and the application is laid before the Government. If the application is sanctioned, the land is advertised for sale by auction three months after date. This procedure refers to forest. If the land is grass, the Commissioner can advertise it for sale at three months' date without any reference. The applicant is fortunate if, under such a system, forest land, which is the best land and is the only land adapted for coffee, at all events, is sold within six months from the date of application. The Planter meanwhile is dissipating his means in mere living. He is in fact squandering means and energy which, it would be to the advantage of the State, should be applied to the soil. It cannot be good policy to deprive settlers at the outset of their enterprise of any part of the capital without which they will be prevented carrying it to a successful result. If a planter with means only adequate to the operations he proposes is deprived of part of his means, the operations have a diminished chance of success and the planter has less chance of becoming a good tenant to the Government than would be the case if his resources were unimpaired and applied to the purpose originally intended.

27. There are further obstacles. Every authority connected with the allotment of land believes himself bound to consider, not only whether the forest is likely to affect the rainfall and flow of water in the streams, but whether it is picturesque and should on that account be preserved as an attraction to visitors. Æsthetic considerations are confounded with considerations of policy and both the planter and the interests of the State suffer. We venture to counsel their divorce, and that the practical element should alone enter into the question of the allotment of land. If

the Government think proper to preserve forest tracts on account of the scenery, we think it should hold itself the proprietor, and the Nilgiri District be credited with the assessment at the rate demanded under the present rules from private proprietors. Otherwise no accurate impression of the progress of the district can be formed. To refuse such land to planters and to retain the forest in order to attract visitors is *pro tanto* to prevent the development of the Nilgiri revenues. It is also to run counter to the expressed wishes of the Secretary of State that every facility should be afforded to planters. No doubt it is important to consider the wants of visitors as the hills are a sanitarium benefited by their presence, but the question is whether the preservation of picturesque forests attracts them or whether they do not come up merely for the climate. We incline to the latter opinion. We think the reservation of the forests in the settlements which we jealously preserve sufficient for the æsthetic requirements of visitors.

28. In connection with this part of the subject it may be well to remark that the intervention of the Board of Revenue and of Government in the allotment of land meets no object because these authorities are practically guided by the opinions of the local officers. References to them seem merely to entail delay and to be productive of no good whatsoever.

29. We revert to the text of the Government Order under report—"whether it is possible to abrogate the system of auction." In the history given above it has been shown that the gain accruing to the Government by the auction system has been insignificant and the competition arising is competition the Government would not probably think it convenient to encourage. With regard to the first point, the figures speak for themselves. With the exception of the last illustration quoted, which was of peculiar character from special circumstances, the prices obtained and the net gain accruing have been small when it is considered that in all 19,000 acres of land have been sold by auction. With regard to the competition arising, it is apparent that competition sets in if planters have a misunderstanding amongst themselves, if they have a misunderstanding with natives, and, lastly, if natives become impressed with the idea that the land put up for sale is of an exceptionally good kind. In this latter case what happens is that the native takes advantage of the pains and expense incurred by the European applicant in choosing the land to acquire what he himself would have undergone the trouble and would not have had the experience to select. The native appraises the skill employed in choosing the land and trys to wrest from the applicant the results. The consequence is discouragement to the planter, who cannot understand why he should be compelled to expose the fruits of his knowledge to the competition of speculators. He feels that such competition is nothing more than the price of his knowledge of which the Government takes advantage. If the Government selected blocks and exposed them at auction, the case would be different, but under the existing system the Government, as it were, makes use of the applicant and makes him pay the value of his knowledge. It procures service without payment.

30. We think the Government will not desire to perpetuate any one of the causes of competition we have mentioned; and that, as the auction system has not brought in gains commensurate with the evils it has occasioned, it should be abolished. The primary object of the Government is to induce planters to settle, and in our opinion every obstacle tending to defeat this object should be removed. The auction system has the disadvantages enumerated; and, as there is a large area of land on the hills unoccupied, we cannot discern in it countervailing considerations.

31. The Government wish for an opinion whether in lieu of auction a moderate upset price at different rates for different districts should be charged. We have already recorded our views regarding the poverty of the hill soils. What is wanted is inducement to the planter to settle, which means offering him land at as cheap a rate as possible. We propose to charge only the cost of demarcation and survey at a fixed rate to be noticed furtheron.

32. We may state here that we have considered the question of introducing the Northern Provinces and Ceylon system of an outright sale in fee simple at an upset price for blocks selected by Government. We are adverse to the system. Land in the localities referred to is chiefly forest in which no selection is necessary, one block bearing the same character as the adjoining block. On the Nilgiris it is different. The forest is scattered, and the skill of trained planters is

required to choose the portions with the accompanying open land suitable for estates. Government servants could not perform the work satisfactorily. Moreover we prefer a system which involves the payment eventually of an assessment to an outright sale of land except at a price not likely to be obtained in the present condition of the hills.

33. The Government inquire whether woodlands should be subjected to a special rate and valuation with reference to standing timber. The sholah wood as a rule is valuable for firing only. Sometimes the better sorts of timber are found. It seems to us preferable to regard wood as valuable in so far only as it finds a sale, and we introduce a rule by which wood thrown on the market by a proprietor shall pay seigniorage to the Forest Department. In this manner the department will be protected, and wood will not be given away to the planters which is worth preserving in connection with the forest revenue. The planter should, of course, be allowed to fell and use the natural wood on his holding. The stations will be provided with firewood from the sholahs within settlement limits and thinnings from the Government plantations.

34. We proceed to explain the grounds on which the rules we shall propose for adoption by Government rest. The most important element in the question is the influence of sholas on rainfall. On this point the propriety of alienating or retaining the sholas seems to rest entirely. If felling forest diminishes the water-supply of the country, all forest should be preserved and planting be prevented altogether. A member of our body believes that the denudation of hills of forest develops a larger water-supply, and he will append to this report his views on the subject. The rest of the Committee consider themselves bound, without expressing an opinion, to draw the attention of the Government to the published authorities on the subject. Mr. Marsh, in his work on "Man and Nature" published in London in 1864 after summing up both sides of the question states at page 196: "one important conclusion at least upon the meteorological influence of forests is certain and undisputed, the proposition, namely, that within their own limits, and near their own borders, they maintain a more uniform degree of humidity in the atmosphere than is observed in cleared grounds," and at page 197 "the soil of forest is always moist, and it is exceedingly rare that a primitive wood suffers from want of humidity. It is well established that the protection afforded by forest against the escape of moisture from the soil ensures the permenancy and regularity of springs, not only within the limits of the woods, but at some distance beyond their borders. As the forests are destroyed, the springswhich flowed from the woods, and consequently the greater water-courses fed by them, diminish bothin number and volume." Mr. Marsh illustrates his propositions by numerous authentic instances, and records his opinion that it is necessary to preserve the wood round the sources of water-courses and on ridges. He draws this conclusion, not only from the proposition that woods preserve the flow of springs, but that the roots of trees arrest the too rapid percolation of water in the soil, and in this manner regulate floods. According to an article in the *Madras Mail* of the 31st May 1875, the Blue Book published on Indian forests in the current year supports on the whole a similar conclusion. There it is alleged forests temper the action of the wind, and "they act in such a manner that persistent draughts and violent rains are alike avoided.

35. The question of the effect of forest on rainfall and in other respects is extremely obscure, and a great deal has yet to be learnt on the subject. No one seems to know how far it is safe under given circumstances to divest hill countries of their covering of forest, and no accurate observations have been made on the subject on a large scale. Lieutenant-Colonel Pearson, the Conservator of Forests in the North-Western Provinces, points out (page 11) in the brochure entitled "Supplement to Reports on Forest management in France, Switzerland, and Lower Austria" published in 1873, that landslips and torrents result from felling the forests, but nothing is said about rainfall. Steps are now being taken at great expense in these localities to arrest landslips and torrents by reboisements or plantations. There is, as far as can be foreseen, however, reason to suppose that harmful denudation would not occur on the Nilgiris even if the forest was abandoned to planters without reservations because the natural exposure of the plateau renders it necessary for planters to seek all the protection for cultivation possible. Planters will consequently themselves endeavor to preserve the natural woods on the more elevated spots, and will raise belts of gums to afford protection where no natural screen exists. Moreover planters of tea must, in their own interests, preserve part of the sholah on their holdings or raise artificial plantations, as an acre of tea needs, it is said, three acres of forest to supply firing for the manufacture and wood for boxes.

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36. We conclude this question of forest, observing that no one can tell what portions of forest may be removed without detriment to the rainfall, and that, in the absence of such knowledge, all it is incumbent to do is to proceed upon the experience recorded by Marsh and others, leaving difficulties that may arise to be dealt with when they appear. It is obvious that, if the natural forest is preserved to guard against hypothetical danger, a great immediate advantage in the opening up of the district will be sacrificed, and we think the interests of the present generation should not be postponed to circumstances which may never arise. With the reservation of forests on ridges and at the sources of streams we contemplate that, as a rule, all will be done that is needed.

37. In the existing rules blocks of 500 acres are prescribed, and any person may apply for contiguous plots. We propose to maintain the restriction requiring land to be occupied in block, but, in the spirit of the present rules, we place no limit to the size of an application. The mere restriction of holdings to a specified area will lead to no object because applicants who wish to speculate cannot be prevented from acquiring as many blocks as they wish by the simple expedient of putting in applications in the names of relations or friends. Land on the hills will probably not be jobbed to any extent. But, if it was jobbed, the State would profit because jobbers job to make money, and any person with capital sufficient to enable him to take up large areas would lose no time in selling his land to others and making as much out of his speculation as possible. In the present state of the hills he would further the objects of Government instead of retarding them. He would act as agent to Government in inducing planters to settle. Another aspect of the question appears to be it is not the function of Government to refuse to sell land at its disposal in order that the distribution may take a specified course. The more commercial affairs, such as speculations in land, are left unfettered, the more it seems to us is prosperity likely to be promoted inasmuch as the purchasers from Government must be prepared to sell at the market price or to see their speculation fail. It is probable that purchasers of land on the hills will seek to realize speedily. The prospects of the hills are at present too precarious to induce speculators to invest with a view to profit to their families on their own death. It may be said generally that a land-jobber will not adopt a large speculation the profitable issue of which can only be expected after a very long time in a country in which he cannot reside as the permanent home of himself and his children after him. Such a country is India. In the Colonies it might be different where there is a climate in which Europeans flourish.

38. We have debated the propriety of departing from the rule laid down in G.O., No. 259, dated 30th January 1868, enjoining the strict preservation of swamps. Blocks will be sought in common with other blocks in which there are swamps, and it seems a needless restriction in these circumstances to cut out the swamps. We recognize the possible use of swamps as sponges and the influence they possess in that capacity on the distribution of the water-supply, but this need not prevent their alienation to planters if precautions are taken against their being made the subject of speculation merely for the peat. We suggest the rule being applied to them; we apply to natural wood sold by the planters, namely, that on peat placed on the market the planter shall pay the signorage exacted for wood sold.

39. The existing rules provide for a deposit of the estimated cost of demarcation and survey. This cost is large in small blocks, small in large blocks. We have reflected that a main object in the rules we propose is to secure *bonâ fide* occupation, and we think the end would be attained by fixing the cost of demarcation and survey at 2 Rupees per acre. Such a sum, looking at the fact that land in other parts of India is sold outright for 5 shillings per acre would be almost the fee

simple value of the land, and the sum should operate to deter mere speculators. On the other hand the Government in the long run would not be a loser because 2 Rupees per acre would indemnify the Survey Department. We would not allow an applicant withdrawing his application to recover his deposit for survey. This would be another obstacle to speculation.

40. We propose the price of the land should be simply the cost of demarcation at 2 Rupees per acre. An applicant will apply to the Commissioner, who will make inquiries as to claims on the land, and, when those are settled, will put the applicant in possession without further delay. The Commissioner will not allot any land without the concurrence of the Forest Officer, his opinion being framed solely on the principles laid down of the reservation of a land of forest on ridges and of a radius round the sources of streams. Any conflict of opinion between him and the Commissioner will be submitted to the Board of Revenue for decision, and an applicant will be entitled to appeal or refusal of land if he thinks a departure from the principles suggested has been made.

41. With regard to assessment, we observe that Government, at paragraph 4 of the Order under report, remark: "It is not intended to descend until the estate is in full bearing." In the spirit of this view we suggest that assessment should fall in the sixth year of cultivation, but only on such parts of the holding as may be planted up. Such a rule will after all leave land on the Nilgiris more heavily burdened than land in the north of India, Ceylon, and the Anamallais, provided the price in fee simple is maintained at twenty-five years' purchase, and we do not propose to alter this provision. It will put land on the hills on a more favorable footing than Government land in the Wynaad, but not than private land in that district. But land on the Nilgiris should, in our opinion, receive more liberal treatment than land in the Wynaad, where the climate is specially favorable for planting, and there is more forest than on the Nilgiris. It must be borne in mind that on the hill plateau coffee, which is the staple of less elevated lands, will not grow, and tea is the product on which dependence must be placed for an extension of cultivation. Tea, however, on the hills is only in an experimental stage. Hence the reason for supplying land for the enterprise on the most liberal terms possible.

42. We think a radius of fifty yards of forest round the sources of streams will be sufficient, and a band of 100 yards of forest on either side of ridges. It will be a matter of fact what sources and ridges need the protection suggested, and any difference of opinion on the subject in a particular case will be laid before Government for decision through the Board of Revenue.

43. We have considered whether the right apparently reserved by the Ceylon Government to run public roads through estates free of cost should be applied on the Nilgiris. We think it preferable to rely on Act X. of 1870. The fewer the restrictions imposed on property are, the greater will be the inducement to capitalists to settle.

44. We have also considered whether the reservation laid down in the rules of 1849 should be re-affirmed and proprietors be accorded a right of way through adjoining properties. As it has been found necessary to frame an Act whereby only can the Government, in the interests of the public, appropriate private property for roads, it seems inequitable that private persons should have superior advantages. The matter may be considered in another light. Government waste is alienated in the interests of the State, not in the interests of an individual. If a margin to a high road is appropriated by a proprietor and he refuses a passage over his land from the road to the land behind, and there is no other road then, if it is to the interests of the State to assign the land behind, it has power to take up under the Act land on the margin for a passage, and it ought to pay for what it does to further its interests. To give an applicant for land a right to a passage through the property of a neighbor would be to restrict a settler in his rights and subordinate them in favor of an intending settler. We are adverse to a private right of way being reserved.

45. Two forms of deed will be necessary under the proposed rules. These we think should be drawn up by the Government Solicitor.

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46. Blocks of land bordering on high roads will be of the form required by the existing rules, and all blocks must be compact.

47. Our rules do not affect the hill stations in which the existing rules should remain in force. Our rules are framed solely with reference to agriculture on a large scale and such operations can only be carried out beyond the limits of the settlements.

48. With regard to a radius round the stations referred to at paragraph 7 of the Order under report, we observe that the settlement round Ootacamund, according to the revenue survey, is 12,000 square acres or 18 square miles, the settlement round Coonoor is 8,000 square acres or 12½ square miles, and the settlement round Kotagherry is 8,000 square acres or 12½ square miles. These areas we apprehend are sufficient to meet the views of Government.

49. We have considered the question of reserves. Whatever land is under reservation at present we would not alienate without a reference to the Government being submitted by the Commissioner and Inspector of Forests on application coming forward for them. All the rest of the land on the hills we would alienate subject to the reservations of forest on ridges and at the sources of streams proposed. These reserves as ascertained should be noted on a map by the Survey Department, and a copy of the map, rectified from time to time, be hung in the Commissioner's Office.

50. The Commissioner will submit a half-yearly report through the Board to Government of the alienations in order that the working of the rules may be known and the effects noted by the highest authority.

51. If our rules should be accepted, we propose that all pending applications shall be treated under their provisions. It is our impression that the rules will provide the relaxations needed as regards the allotment of land. They will operate to put planters in possession without delay as all the inquiries needed can be made in ordinary cases within a month of the date of application, and the allotments will be made on sufficiently favorable terms to secure the object in view of extended cultivation.

52. With these remarks, we append the rules and the existing rules in parallel columns in order that the difference may be noted at a glance.

(Signed) J. R. COCKERELL,
Commissioner,
(,,) H. R. MORGAN, Major-Genl.,
(,,) W. G. McIVOR,
Supt., Govt. Cinchona Plantations.
(,,) CAMPBELL WALKER, Capt.,
Offg. Inspector of Forests.
(,,) Wm. COTTON RHODE,
Planter.
(,,) E. J. C. BRACE,
Tea Planter.

(True Copy.)
(Signed) J. R. COCKERELL,
Commissioner.

Enclosure No. 3.

Existing Rules.	*Proposed Rules.*
I. Waste lands in which no rights of private proprietorship or exclusive occupancy exists, and which may not be reserved as hereinafter	I. Waste lands in which no admitted claims to private proprietorship or exclusive occupancy exists, and which may not be specially

provided, may until further notice be sold under the following rules.

II. Applications for land under these rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars:—

(*a.*) The estimated area of the land applied for.

(*b.*) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres, unless otherwise specially ordered by Government, within the limits of the station of Ootacamund, Coonoor, Kotergherry; the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact and as nearly as possible a parallelogram when the land touches any road or river; the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that, as far as practicable, their length shall not exceed half their depth.

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If, on receipt of an application under Rule II., the Commissioner has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks unless the land is already surveyed and demarcated. The Commissioner will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI. within six weeks from the date of demand his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI. the Commissioner shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on

reserved as hereinafter provided, may until further notice be granted under the following rules.

II. Applications for land under these rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars :—

(*a.*) The estimated area in acres of the land applied for.

(*b.*) The situation of the land and its boundaries as accurately as can be stated.

Omit.

III. Lots which may be of any size shall be compact and as nearly as possible in parallelograms when the land touches any road or river; the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that, as far as practicable, their length shall not exceed half their depth.

IV. Every lot shall be surveyed and durable boundary marks erected at the expense of the applicant.

V. If, on receipt of an application under Rule II., the Commissioner has reason to believe that no objections exist to the grant of the land he shall call upon the applicant to deposit with him the estimated cost of survey and of marking out durable boundary marks at a uniform rate of Rupees 2 per acre. The Commissioner will refund to the depositor any portion of his deposit which may be in excess of the amount payable at the above-mentioned rate of 2 Rupees an acre on the result of the survey and demarcation and the depositor shall pay any deficiency.

VI. If the applicant fails to deposit the sum required under Rule V. within a month from the date of demand his application shall be null and void.

VII. On receipt of the deposit required under Rule V. the Commissioner shall, as soon as possible, cause the applicant to be put in possession of the land and further have it surveyed and marked out.

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survey beyond the limits prescribed in Rule III., and shall advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule IX. being given.

IX. The advertisement shall be in English and in Canarese and Tamil, and shall specify the locality, extent, and boundaries of the lot, the aggregate annual assessment and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself, as well as in the neighbouring villages, in the offices of the Commissioner and the Tahsildar of the Taluq and the nearest Police office. A notification of the intended sale shall also be inserted in the District Gazette. The Commissioner shall at his discretion fix the time and place of sale and may alter both if necessary, provided that not less than fourteen days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised as aforesaid for three full months.

X. The Commissioner shall send written notice of the place and time of the sale, as also of any alterations under the provisions of Rule IX., to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

XI. On receipt of application for lands under these rules the Commissioner shall hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the lands applied for he will duly warn the applicant that the survey will be undertaken only at his request and at his risk. Should the applicant prefer that the survey should be proceeded with on these terms the same will be done, and if after the survey it should prove that the lands are not saleable under these rules the applicant must pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III. If no such warning be given and the land should eventually prove not to be saleable then the survey will be at the expense of Government. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI. as may not be expended.

VIII. A notification in English and Tamil, specifying the locality, extent, and boundaries of the lot, shall be posted on the land in the neighbouring village and in the offices of the Commissioner and his subordinates as soon as possible after an application has been received, and no allotment shall be made in less than one month from the date on which such notification is posted.

Omit.

IX. On receipt of an application for land under these rules the Commissioner shall hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the land applied for he will hold the application in abeyance pending the result of such inquiry and the disposal of the same in due course of law, and the applicant will at once be informed of the objections to immediate disposal of his application.

XII. On the withdrawal of an application it shall be discretional with the Commissioner to proceed with the sale of the land or not as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey, and of erection of durable boundary marks. If the original applicant be the purchaser he shall receive credit for his deposit or payment, otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, be preferred to the land the lot shall be, as advertised, put up to auction and sold to the highest bidder above the upset price, subject to an annual assessment payable on or before the 30th June of each and every year of 2 Rupees for each acre of forest land and 8 Annas for each acre of land other than the forest contained in the lot.

XV. The successful bidder shall immediately, on the sale being declared, pay down ten per cent. of the price. The residue of the purchase money may, at the option of the purchaser, be paid in full within thirty days, or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of six per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the Form X. annexed to these rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government shall cause the purchaser to be served with a notice intimating that, after the expiration of thirty days from date of service, the Government will either resume possession or cause the land to be sold at the risk of the defaulting purchaser, and if payment

X. An applicant withdrawing his application after the deposit has been paid shall not be entitled to a refund, and another applicant applying for the same land shall be liable to pay a deposit of the estimated cost of demarcation and survey at the rate of 2 Rupees per acre, notwithstanding that the survey and demarcation have already been performed at the expense of a former applicant.

XI. Land disposed of under these rules shall be free of assessment for the first five years after the date on which a declaration in writing is made of the grant, and the land thereafter shall be subject to an annual assessment payable on or before the 30th June of each and every year at the rate of 2 Rupees for each acre of forest land and 8 Annas per each acre of grass land actually brought under cultivation.

XII. The grantee shall, as soon after possession is given as possible, be furnished with a title-deed in the form annexed to these rules.

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of the arrears be not made within the prescribed period of grace steps shall at once be taken either for the resumption or resale of the land. When the purchaser elects to pay the purchase money by instalments he shall not receive possession until he has duly executed the Deed marked Y. annexed to these rules. When the conditions of Deed Y. have been duly fulfilled a deed in the Form X. will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale.—

(1.) That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) That immediately after the lot is knocked down the purchaser thereof shall pay to the Commissioner a deposit of 10 Rupees per centum in part of his purchase money and intimate to the Commissioner whether he elects to pay the residue within thirty days or by three yearly instalments as provided by the rules passed by the Honorable the Governor in Council under date the 6th day of March 1863, No. 478-A, and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said rules.

(3.) That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall, within thirty days from the day of sale, pay to the said Commissioner the residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked X. annexed to the said rules.

(4.) That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall, within ten days from the day of sale, execute a deed in the form marked Y. annexed to the said rules.

(5.) That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property and the measurement and boundaries of the premises previous to the sale; as, by having the premises knocked down to him, the purchaser

XIII. The first applicant shall be the grantee. When there are two or more simultaneous applicants for the same land the Commissioner shall exercise his discretion in making the allotment, and his decision shall be accepted by the applicants subject, however, to appeal to the Board of Revenue and Government.

XIV. That a grantee under these rules shall not be at liberty to dispute the correctness of the survey after it has been completed on any grounds whatsoever; as, by accepting the declaration of grant, he shall be considered to have waived all objections in the description of the

thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

(6.) That if the purchaser elects to pay within thirty days, and if from any cause whatever the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a deed in the form marked Y. annexed to the said rules, then the purchaser shall pay to the Commissioner interest at the rate of 12 Rupees per cent. per annum on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case or until a deed in the Form Y. be executed in the other case, without prejudice, nevertheless, to the right of resale reserved by the 7th condition.

(7.) That if the purchaser shall neglect or refuse to comply with the above conditions or any part of them, his deposit money shall be forfeited and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any arising from such resale together with all expenses attending it, shall be made good by the purchaser at the present sale who shall so neglect or refuse as and for liquidated damages.

XVII. If before the time of sale a claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land or any part of it the Commissioner shall postpone the sale of the land until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these rules without the express sanction of the Government.

premises or other error in the particulars of the property as finally exhibited in the map.

Omit.

Omit.

XV. Existing reserves are not to be granted under these rules without the express sanction of the Government. A map of such reserves will be prepared and maintained in the Commissioner's office, and will be open to inspection by intending applicants at such times and

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A register of such reserves will be maintained in the Commissioner's office, and will be open to inspection by intending applicants at such times and under such rules as the Commissioner may prescribe by notification in the District Gazette.

XIX. The annual assessment on lands sold under these rules may at any time be redeemed by the owner by payment of a sum equal to twenty-five times the said annual assessment, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the estate on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the Form B. annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these rules shall, nevertheless, continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands sold under these rules, are reserved and in no way affected by the sale of such lands under these rules.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on putta, cowle, or otherwise at their discretion as heretofore.

under such rules as the Commissioner may prescribe by notification in the local Gazette.

XVI. Grants of forest land under these rules shall be liable to the reservation of a radius of fifty yards of wood round the sources of streams and a band of 100 yards on either side of ridges clothed with forest.

XVII. Land granted under these rules may at any time be redeemed by the owner on payment of a sum equal to twenty-five times the land revenue payable on the assessable area in the grant, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the form annexed to these rules.

XVIII. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XIX. Lands granted or redeemed under these rules shall, nevertheless, continue subject to all general taxes and local rates payable by law or custom.

XX. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands granted under these rules, are reserved and in no way affected by the grants of such lands under these rules.

XXI. These rules do not apply to lands situated within the limits of the settlements of Ootacamund, Coonoor, and Kotergherry, or to the Wellington Cantonment as determined by the present survey.

XXII. All timber or firewood from natural wood cut on land granted under these rules removed for sale shall be charged the usual rates of seigniorage payable on similar timber or firewood removed from forests under conservancy, and shall be removed only under a forest pass. Similarly seigniorage will be charged on peat removed from the land and sold.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on terms other than those prescribed in these rules or at their discretion.

(Signed) J. R. COCKERELL,
Commissioner.

(,,) H. R. MORGAN,
Major-General.

(,,) W. G. McIVOR,
Supt. Govt. Cinchona Plantations.

(,,) J. CAMPBELL WALKER, Captain,
Officiating Inspector of Forests.

(,,) W. M. COTTON RHODE,
Planter.

(,,) EDWARD J. C. BRACE,
Tea Planter.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

ENCLOSURE No. 4.

Minute by W. G. McIVOR, Esq., Superintendent of Government Chinchona Plantations, dated Ootacamund, 27th August 1875.

I HAVE signed the above report as it suggests useful modifications of the restrictive land rules now in force. On some points, however, I believe it necessary to go a step further in order to secure the prosperity of this district.

2. The G. O. of 28th August 1874 evinces an earnest desire to deal with an admitted evil. To enable the Government to do this effectually it is necessary fairly to state facts and results. Here land-owners are, as a rule, anxious to sell their property. They believe if the acquisition of Government waste is permitted on fair terms it will depreciate the value of present holdings, increase the rates of labor, and thus act prejudicially to their interests; overlooking that increased prosperity will attract both labor and capital and enhance the value of land now under cultivation. I call attention to this fact as, after discussion, it has been found necessary to draft and redraft our report, each draft being more liberal than the preceding one.

3. At paragraph 3 of the order above noted, Government "see no reason to modify the existing rates of assessment, *viz.*, 2 Rupees an acre for forest land, and 8 Annas for grass land. Both rates are moderate and would prove an almost inappreciable tax on a fairly-productive estate when once in full bearing," and at paragraph 4 observe "the burden, however, is not intended to descend until the estate is in full bearing." True calculations may show an annual tax of 2 Rupees an acre on forest land as "almost inappreciable." The success of the cultivator, however, does not depend on calculations, but on the stern realities. Thus assessment of 2 Rupees an acre annually for waste land redeemable at twenty-five years' purchase or 5£ per acre in fee simple (exclusive of cost of survey and demarcation) is twenty times the prevailing rate imposed on waste land in all parts of the world and in this Presidency also; the Nilgiri and Shevaroy Hills forming, I believe, the only exceptions. It is in fact a tax which history shows has not been attempted to be raised in any part of India by the most exacting Native Princes on "dry cultivation" (a term which applies to all cultivation in this district), even in the densest populated parts of the Presidency and on land which has been for ages under cultivation. It is a rate, also,

applied only to districts where Europeans have shown a desire to take up waste land. At the present time the ordinary rates paid here by native landholders ranges from 2 Annas to 10 Annas per acre. The rates paid on land held by Europeans range from 8 Annas to 2 Rupees per acre.

4. Facts are not wanting to establish that an annual tax of 2 Rupees per acre is a rate the land cannot bear. That it has failed in its application to this district is but too well established. During the incumbency of the late Commissioner or from 1869 to 1872 *three hundred and sixty-six* acres of waste land was granted. While in the same period the land relinquished by European cultivators alone exceeded four thousand acres,* and by natives about five thousand acres, or, say, in round numbers, nine thousand acres were relinquished to three hundred and sixty-six acres granted. At that time it was felt that relief must be given or the district would become an unproductive waste, consequently the assessment was remitted for the first five years of occupation. This stayed the abandonment of cultivation for the time, but these five years have now elapsed, and, as the total profit to cultivators on much of the land occupied is under 2 Rupees an acre, if this assessment is enforced more land must yet be relinquished, as cultivators cannot be expected to employ their capital and labor on unprofitable cultivation.

See List appended A.
* See List appended B.

5. In order to understand how heavy this assessment becomes, it is necessary to take into consideration that the land of the plateau of the Nilgiris is very unequal in quality and exposure. That in holdings of any extent, for every acre of land that is capable of profitable cultivation there are from six to twelve acres of land incapable of yielding profitable crops. The assessment is charged on the whole extent of land granted, this brings up the tax per acre on the productive land to from 14 to 26 Rupees annually. As an example of this, I refer to Devasholah; here a tract of the finest forest land on the plateau was carefully planted throughout. The exposed or wind-blown parts being planted several times, over ten years' experience shows that in this fine tract of land there is not one-tenth of the entire holding capable of profitable cultivation. On the Ossington Chinchona plantations in January 1874, upwards of 30,000 fine chinchona trees were killed down to the ground by frost. The Cyclone of May of the same year so damaged these plantations that they will take years to recover. The frost of last winter did more damage than in 1874. Such are some of the realities which generally do not form a part of calculations, but makes the difference between profit and loss—a difference on which the existence of cultivation must depend.

6. The tax falls after five years, not after the land is in full bearing. The only profitable crops that can be cultivated here do not come into full bearing until from eight to fifteen years from the date of planting. On the plateau, tea and coffee come into full bearing at from eight to ten years, chinchona into bearing at from ten to fifteen years. It takes at least three or four years to form and plant out an estate of from two to three hundred acres; consequently, as the assessment falls five years from the first day the land is granted, it will be seen that the planter pays a heavy tax long before he can realize any profit. If the Government granted to the planter what was otherwise valuable, there would be some reason for this course being adopted; but when it is considered that waste land on the plateau of the Nilgiris cannot be used by Government, that it has not from time immemorial and cannot for all time to come yield a rupee of revenue to Government until brought into productiveness by the labor and capital of the planter, a liberal policy might have been applied as it could not cause loss to Government. It is not to the interest of the State, it is not to the interests of the subject to apply rules which must keep the cultivator in perpetual poverty by taking from him in the shape of tax the money he is in every other province or country allowed to put into the soil to develope its productiveness. This policy, I submit, shuts up the source of wealth and impoverishes alike Government and the country.

7. If this district is to be prosperous, land should be sold in fee simple at 5 per acre, or if this is not done, it should be given for twenty or twenty-five years free, and no assessment over 1 Rupee per acre should be fixed on any land. Had this been done forty years ago, I hesitate

not to say that we would now have had a prosperous district, a wealthy population, and a greatly increased Government revenue.

8. The value of property here has been for many years decreasing. Estates have, as a rule, passed out of the hands of the original proprietors at prices varying from one third to one-sixth of the actual cost. The fact of men who had labored for years in forming plantations being content to submit to such a sacrifice in disposing of their property indicates that their experience had produced a deep-seated conviction of the unprofitableness of the undertaking.

9. Rule XVI. reserves a radius of fifty yards of wood around the source of springs and streams. This will cut up holdings and cause great inconvenience, as it is difficult to find a natural forest on the Nilgiris of even an acre in extent in which one or more springs does not arise. This reservation is suggested in accordance with the theory promulgated by Mr. Marsh in his work on "Man and Nature" published in 1864, where it is endeavored to be shown that the presence of forest adds to the flow of water in springs and streams. In common with all authority, Mr. Marsh recognizes a tree to be a moisture-consuming and a moisture-dissipating organism. At pages 169 to 172 he shows that the quantity of moisture extracted from the earth by only fifty trees to an acre is measured by thousands of gallons. Mr. Marsh brings forward so many well-known facts to illustrate the enormous quantity of water extracted from the soil by living trees, that they force on every reflecting mind the necessity of discrediting his conclusions. Had Mr. Marsh told us that a fine city had been formed by a great conflagration, we would of necessity disbelieve the statement, because we know that fire does not create but that it consumes and dissipates building material, much in the same way as a tree consumes and dissipates moisture.

10. 'In this district I have seen streams and springs completely dried up by planting trees near their source and on the water-shed. Take, for example, the stream which flowed twenty years ago in the nullah in the east of Woodside and the stream in the nullah to the east of the Club. I found by accurate measurement extending over some years, both before and after the forest on the Ossington Estate was felled, that the flow of water in the stream arising from this forest increased threefold after the forest was felled, and these observations were made in connection with the careful records of the rain-fall. It is now some years since trees have been extensively planted in Europe and Africa with marked success, for the express purpose of drying up swampy lands. Mr. Marsh explains why this is so at page 169 in the words, "the amount of sap which can be withdrawn from living trees furnishes not indeed a measure of the quantity of water sucked up by their roots from the ground, for we cannot extract from a tree its whole moisture, but numerical data which may aid the imagination to form a general notion of the powerful action of the forest as an absorbent of humidity from the earth." Thus every known fact clearly indicates that trees dry up instead of adding to the flow of water in springs and streams.

11. The results recorded by Mr. Marsh occur in northern latitudes where trees draw much less moisture from the soil than they do on the Nilgiris. In this district, trees are evergreen and the foliage exposed for upwards of nine months in the year to an unclouded and almost vertical sun. The quantity of water drawn from the earth by our forest is therefore probably three times greater than by forests in northern latitudes. It is well known that during sunshine the point of every rootlet of a tree is continuously acting as a pump, which intercepts the water in its flow to the streams; throws it up to the leaves where it is evaporated into the atmosphere. These pumps do not only exhaust the moisture from the surface, but as the roots penetrate deep into the subsoil they effectually exhaust the moisture to a considerable depth below the surface.

12. It is frequently asserted that forests produce moisture. No doubt forests are generally moist, but it seems to be overlooked that this *moisture* produced the forest. I have named streams that have been completely dried up by planting trees; I have, also, observed trees sprung up along the banks of an artificial water-channel, which Mr. Lascellas turned along a bare hill in 1844 from the stream near the Hoolical village to irrigate the Hoolical coffee-estate.

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13. It is admitted that a tree is mainly built up of moisture. That only by consuming and dissipating moisture is it able to select and place in chemical combination the whole of the elements of which its structure is built up. A glance at the primary conditions is on this point, I conceive, conclusive. It shows to a certainty that every locality where forest is now found, must have been more uniformly moist prior to the existence of the forest than was necessarily the case after the forest became established, because more uniform moisture is necessary to support the life of a young seedling than is necessary to support an established tree.

14. These observations are intended to show the common belief that trees add to the flow of water in springs and streams to be a fallacy, which cannot be sustained by fact, theory or hypothesis. Even the advocates of this idea admit it to be but an ill-defined theory. Under these circumstances, I believe it to be undesirable that in dealing with our waste lands, we should consign the richest portions to perpetual unproductiveness, or in other words to grasp at a shadow while we drop the substance.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

A.—LANDS acquired under Waste Land Rules for Agriculture and other purposes.

Date.	Acres acquired.	Date.	Acres acquired.
24th August 1868	1·90	1st June 1871	27·34
29th January 1869	3·00	20th July ,, ...	6·47
6th September ,, ...	58·64	17th August ,, ...	0·06
11th April 1870	62·19	9th November ,, ...	0·10
16th May ,, ...	3·09	29th ,, ,, ...	3·73
13th July ,, ...	8·94	14th December ,, ...	6·32
12th September 1870	37·03	25th January 1872	44·38
10th November ,, ...	72·25	27th March ,, ...	1·49
19th January 1871	6·35		
16th March ,, ...	19·79		
27th April ,, ...	3·75	Total ...	366·82

OOTACAMUND,
27th August 1875.

(Signed) W. G. McIVOR,
Supt. Govt. Chin. Plantations.

LAND relinquished by European Holders during the incumbency of the late J. W. Breeks, Esq., Commissioner of the Nilgiris,

	Acres relinquished.		Acres relinquished.
Captain Richardson and Short ...	747	Major C. P. Taylor	26
Westbury	178	Colonel Cooper	71
Orange Valley	1,120	Captain Daly...	8
Prospect	400	J. Outcherlony, Esq.	14
Chengal and Koomal	206	Colonel Walker	14
Neralay, Mr. Herklots...	396	Glencairn	489
Commander Mitchison...	436	Mr. Ettienue...	264
Northernhay and Leighwood ...	1,109	Mr. J. Warburton...	187
Messrs. Vertue and Minchin... ...	661	Vellore Bheemasing	7
Mr. Grimes, Tellamullay	29	Brooklands	170
Kodanad, Mr. Brown	232		
Colonel Dobbee	14	Total ...	6,788

OOTACAMUND,
27th August 1875.

(Signed) W. G. McIVOR,
Supt. Govt. Chin. Plantations.

With the foregoing letter the Commissioner of the Nilgiris forwards copy of a letter he had addressed to Government in reply to G. O., dated 28th August 1874, No. 1,102. The Board observe that the Commissioner's report should have been addressed to them, not to Government.

2. The subject of reference was the question whether the system of selling by auction land applied for under the Waste Land Rules might not be abolished, and sale at fixed rates for different districts of the Hills, and for woodlands, substituted; the land being still liable to the assessment, and stipulations being made to secure the *bona fides* of the purchasers.

3. The gentlemen invited by the Commissioner to consider the subject with him, have arrived at the conclusion that the auction system should be abolished, but do not propose to substitute any fixed charges in lieu, and apparently consider the expense of demarcation and survey which is to be charged to the applicants for land, a sufficient guarantee of the *bona fides* of the applicant. Existing forest reserves are to be maintained, and when blocks of forest land are granted, a circle of 50 yards radius round the sources of streams, and a band of 100 yards on either side of ridges, are to be reserved. Otherwise there is to be no restriction on the grant of forest land; and no charge is to be made on account of the wood, unless it is removed for sale, in which case the ordinary seigniorage is to be paid. Seigniorage is also to be paid on peat removed for sale; but swamps are not to be reserved. Some further changes in the rules are proposed, and a revised draft is submitted which is to apply only to lands outside the present limits of the Ootacamund, Coonoor, and Kotagiri settlements, and of the Wellington cantonment.

4. The report of the Committee contains many startling assertions, some of which the Board are unable to check, and much sophistical argument. Their conclusions readily flow from their main premiss, *viz.*, that the importance of encouragement to the European planter, and the indirect benefits which he confers upon the country, are so great, that he is to be enticed by all possible means to take up land; that Government is to obtain only an almost inappreciable share in the profits of his enterprise, if successful; and should take no precautions to secure that he is a *bonâ fide* settler, and not a mere speculative occupier, who, having impoverished the land, will return it after a few years on the hands of Government.

5. The Committee begin with a history of past Waste Land Rules on the Hills, and, attributing the extension of planting operations which has taken place to the concomitant changes in the direction of liberality successively made in the rules, argue that further relaxation of the requirements should be now introduced to secure further development. Stronger proof, however, is required of the connection between the changes in the rules and the impulse given to extension of planting on the Hills.

6. They then endeavor to prove that the terms on which land can be obtained on the Hills are more onerous than elsewhere; and to give point to the comparison state the price of land as 100 shillings an acre, as if land could not be obtained unless the land-revenue was redeemed. The Board are not aware of the terms on which land can be obtained in the north of India, or Ceylon, even admitting that the comparison may properly be made as regards those tracts; but

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the terms on the Nilgiris are more favorable than those in force in Travancore, where the upset price has recently been raised to Rupees 10 per acre. The Board do not understand the reference to the Anamalais, and think that sales by the Cochin Government must be meant. Lands in these hills in British territory are sold by auction, under the Waste Land Rules of 1863, at an upset price of Rupees 5 per acre of forest and 2½ per acre of grass (G.O., dated 1st July 1863, No. 1,154); and notwithstanding the terms which the Committee think so liberal, planting there has not progressed. As to the comparison between Government land on the Nilgiris and private land in Wynaad, the Board beg to refer to Mr. Breeks's letter recorded in Board's Proceedings, 18th March 1870, No. 1,861. The recent remission of all tax for the first five years makes the comparison there drawn still more in favor of the Nilgiris than the result arrived at by Mr. Breeks. The argument put forward in the Committee's report that the tax on plantation land is excessive in comparison with the charge made for dry land in the plains is almost beneath notice. If rates representing the same share of the crop were imposed on plantation produce, they would be much higher than those now imposed.

7. The Committee go on to state that but little has been done by Government for planters on the Hills, especially in the matter of roads; and they actually maintain that the costly ghauts which have been constructed to open up communications with the Hills are not to be taken into account, since they were made for the accommodation of visitors to the Hill Sanitaria. The outlay, they say, in the construction of planters' roads has been during the last four years Rupees 15,000 only; whereas in Ceylon the interests of planters are considered paramount, and the policy is to open up the country by roads and railways. It is within the knowledge of the Board's First Member that in Ceylon it is, or recently was, the rule that no new road shall be opened out until the residents of the district benefited have subscribed half the cost. As to expenditure on the Nilgiri communications, the Board give in the margin the outlay on new works and repairs including ghauts during the last twelve years. It is to be remembered that in other parts of the country the communications, which are there as essential to the inhabitants as are roads on the Nilgiris to the planters, are paid for to a very great extent by rates levied on the land; but on the Hills the amount so levied is only 2 or 3 per cent. of the annual outlay.

Years.	New Works.	Repairs.	Total.
	Rs.	Rs.	Rs.
1863-64... ...	12,389	25,904	38,293
1864-65... ...	49,087	18,265	67,352
1865-66... ...	74,755	28,466	1,03,221
1866-67... ...	99,814	29,073	1,28,887
1867-68... ...	1,01,740	37,081	1,38,821
1868-69... ...	1,02,571	40,917	1,43,488
1869-70... ...	78,852	30,844	1,09,696
1870-71... ...	15,293	32,284	47,577
1871-72... ...	18,763	34,205	52,968
1872-73... ...	15,178	37,584	52,762
1873-74... ...	58,879	37,576	96,455
1874-75... ...	67,226	39,533	1,06,759
Total...	6,94,547	3,91,732	10,86,279
Average...	57,879	32,644	90,523

8. The Board are fully sensible of the advantages which accrue to the State and the country from the opening of plantations on the Hills, and admit that

reasonable facilities for this should be granted. They are of opinion that the State should not seek to levy more than a very light tax on the profit of the enterprise, and should so regulate its incidence as not to clog the operations of the planter at a time when his resources are being sunk and returns have not yet commenced. But in order to attain the object which the State desires to encourage, *viz.*, the permanent occupation and settlement of the Hills and the development of sound planting industry, it is essential to take security at the outset to guard against mere speculative occupation of the land and as a gage of the *bona fides* of the applicants. The report under review goes so far as to say that the State should even encourage the land-jobber who plays the part of an agent to the Government in attracting planters to the land. Sound enterprise can need no such aid, and the tax which the jobber would levy upon the enterprise both from the State and the planter would go far to strangle it.

9. With these remarks upon the general tenor of the report, the Board proceed to discuss the changes which are recommended, the chief of which are the abolition of the auction system ; the assignment of land on application for the mere cost of survey and demarcation ; a fixed rate for survey and demarcation charges ; the abrogation of the limit on the size of the blocks applied for ; and the proposed method of dealing with woodlands.

10. The arguments against the sale of land by auction are that it has failed to secure to Government any but a mere trifle as the price of the land, that under it a man, who by superior knowledge, skill, and trouble, has selected good lots, is then exposed to competition, which will be keen in proportion to the degree in which he is known to possess these qualities, and which may rob him of his reward, to the benefit of Government who thus secure service without payment.

11. As to the first argument it would have been well if the Commissioner had given statistics from the Waste Land Registers down to the present time. Up to 1870 the average realised at sales under the Waste Land Rules was about Rupees 4, which, however, included survey and demarcation charges. The Commissioner is requested to compile and submit a statement showing the actual extent sold outside station limits, the charge for demarcation and survey, and the total sale-proceeds. If there has not been reckless competition, and if large sums in excess of the value of the land have not been taken out of the planters' pockets, it seems at all events that they have not been hurt so far by the auction system, and need not yet complain if on account of other advantages possessed by it Government choose to retain it in principle. The report lays stress upon the fact that in several of the few cases in which there has been keen competition, the highest bidder was a native. However desirable the colonisation of the Hills by Europeans may be, the Board do not think that the rules should be framed with the avowed object of excluding native-owned capital from profitable employment there.

12. As to the other argument that the skilful selector is robbed of his reward, the Board do not think that it has much in it as applied to the Nilgiri Hills. The plateau is a small one, the conditions of the whole of it and of successful planting are tolerably well known, and the extent of reward which is due

to special skill in selection is proportionately reduced. The complaint amounts to this, that the planter is compelled by competition to pay a portion at least of the real value of his land, instead of getting what may be a very valuable property for nothing.

13. When any particular land has special value, from special circumstances of situation, facility of communication, forest, or the like, the auction system affords the best means of appraising it. The Board do not think that fixed rates for different portions of the Hills could now be arrived at ; and if they were settled with reference to average prices realised in the past, or to present circumstances of extension of communications, demand for land, &c., change would probably be inevitable in a short time. If they were then raised, the new planters would complain ; if they were lowered, there would be outcry from the old ones. The auction system accommodates the price to current value, checking speculation when it is rife, and lowering the price in periods of depression in a way which no other system can secure. And no other system can so satisfactorily dispose of rival claims. In any system of selection, or of awarding land invariably to the first applicant, there will be quarrellings, underhand practices, charges of partiality, and bad blood, far in excess of any heart-burnings caused by disappointed hopes under a system of auction sale.

14. It has certainly not been proved that sale by auction has been any hindrance to extension of planting ; but the delays which have hitherto encumbered its working are an undoubted grievance and call for remedy. Besides the time for preliminary inquiry (Rule XI.) and survey and demarcation (Rule VIII.), three clear months' notice of sale must be given (Rule IX.) ; and in the case of application for forest-land the orders of Government further require that their sanction shall be obtained after report by the Commissioner, the Forest Officers, and the Board of Revenue ; all which processes take a long time.

15. Such preliminary inquiry as it is possible or necessary to make prior to the issue of a notice of sale ought not to occupy more than fifteen days. It would generally be confined to the question whether the land applied for included any portion of an existing allotment or reserve, or whether the application obviously transgressed in an objectionable degree the rule regarding extent or frontage. A visit of a Revenue-officer in company with the applicant ought to suffice for the settlement of such questions and for the preparation of a sketch-map. The advertisement of sale might then issue and an interval of two months would be amply sufficient for accurate survey and demarcation, and to elicit claims to the land if such exist. The sale might be advertised contingent on the result of the survey, or subject to such modification as it might show to be necessary. The survey map would be, of course, referred to at the sale. The Board fully agree in the suggestion that there should be no reservation in future on æsthetic grounds ; and they think that the forest reserves which ought to be maintained for imperial purposes being settled and defined once for all on as restricted a scale as possible, all the land on the plateau should be declared available for selection, and special report and sanction on each application thus dispensed with. As regards land on the slopes which will be required chiefly for coffee, there must be greater circum-

spection with reference to the effect of denudation on more important interests in the plains. The Board would retain special report as at present in these cases; but they see no reason why the necessary reference should not be made and orders passed during the currency of the period named in the advertisement, the sale being therein made contingent on the result. If regulations of this kind were introduced, applications might be disposed of within 2½ or 3 months, and the only real grievance in connection with the present system would be done away with. No less period of notice would suffice to give competition fair play.

16. As to the fixed rate of Rupees 2 for survey and demarcation expenses, the Board observe that the proposal in the report apparently is that this rate and no more or less should be levied in all cases. But in the draft rules the rate is fixed for the deposit only, and provision is made for adjustment of any excess or deficiency, when the actual cost is ascertained. There appears to be nothing gained by a fixed charge, and if this is to be the average of cost per acre hitherto incurred, it will fall unduly heavily upon applicants for large blocks on which the acreable average cost of survey is less. The draft rule for deposit being completed at a uniform rate subject to adjustment seems unobjectionable.

17. The Board are of opinion that the limit on the size of a block to be comprised in a single application should be retained. It is true that an applicant can now apply for any number of blocks of the maximum size; but if the system of public sale by auction is to be retained, it is evident that the size of the lots must be limited. There may be many persons desirous of acquiring for plantation blocks of average or reasonable size, but whose means may not enable them to compete for two or three of such blocks in one lot. The abolition of the limit seems proposed in the interest of the land speculator; and if it be true that capitalists are beginning to look with favor on tea-planting in India, and that a demand for land is likely to arise upon the Hills, it would be unwise at the present time to afford facilities for such speculation. It is not the interest of Government to have the land on the Hills assigned away, unless it is taken up *bonâ fide* for planting purposes. The Board would provide for the reservation of land of sufficient width for a road between blocks, where it may seem advisable and the features of the country would permit the construction of a road.

18. The Board have already given their opinion as to the reservation of and mode of dealing with forest lands on the plateau and on the slopes. In the latter case, notwithstanding Mr. McIvor's opinions, they think great caution is expedient. Whatever be the effect of forest on the amount of rain precipitated, its utility in moderating the action of floods is undoubted; and no gain which could result, even were the whole of the slopes under coffee, could compensate Government and the country for injury to irrigation in the plains consequent on denudation. The Board approve the proposal that forest for 100 yards on each side of ridges and 50 yards round the sources of streams should be reserved.

19. The suggestion that seigniorage should be paid on wood removed for sale is, of course, bound up with the proposal that the auction system shall be abolished and no charge made for the land. If the standing timber has a value, that value will be realised for the State when the land is sold, and there should be

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no fur ther charge. If after assignment of the land *gratis* for planting the State retains claim in the wood, as the Committee's proposal seems to admit, the Board do not see why the wood should be free of seigniorage when consumed by the planters, and not free when sold by him for consumption by somebody else. The charge for seigniorage would, moreover, in nine cases out of ten be successfully evaded. The same remarks apply to the proposed seigniorage on peat. The Board doubt whether it is necessary to reserve peat swamps on the Hills, or to take any measures against their drainage or removal.

20. If it be true that forest or jungle is essential to the tea planter, there is no reason to fear excessive denudation on assignment of shola land on the plateau.

21. On the whole, it appears to the Board that the changes proposed by the Committee are dangerously in favor of land-jobbing and that they are unnecessary. If sale by auction and the payment of a preliminary price for the land are abolished, a considerable area will probably be taken up, but in five years it will again be thrown upon the hands of Government. It is necessary to have security against this. In Travancore not only is a preliminary charge realised at auction at an upset price of Rupees 10 per acre, but it is provided that if the land is not opened out in certain specified proportions, the assessment which does not otherwise fall on the land for five years shall be leviable from the beginning. Without a preliminary price, this plan would prove inoperative; for the occupier would probably clear out before the five years were over, and the demand could only be realised from the sale of the land, which, of course, as long as land elsewhere could be got for the asking, would fetch nothing at all. The penalty, too, would not be realised from the person properly liable.

22. The Board do not consider that it has been shown that the present terms are at all restrictive, or that the extension of planting on the Nilgiri plateau has been retarded by the operation of the rules. The plateau is unsuited for coffee, and the possibility of profitable tea cultivation under the conditions which there exist has been demonstrated comparatively recently. The late concessions as to the postponement of the revenue demand have been very great; and as the sanction dates only from September 1871, Mr. McIvor's list of abandoned estates is to a great extent irrelevant, even if it were proved that they were abandoned owing to the weight of the assessment. The charges now made are so insignificant in comparison with the total expenses and receipts of a plantation that it must be a very unsound enterprise which they will suffice to crush.

23. There is only one point in which the Board would recommend change. They refer to the terms on which the revenue can be redeemed, *viz.*, twenty-five years' purchase. This assumes interest at 4 per cent. only; and it is evident that capital will never be sunk at this rate. The Board think that it is desirable to encourage the redemption and they would suggest that ten or at most fifteen years' purchase be accepted.

(True Copies and Extract.)

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

No. 224. Proceedings of the Board of Revenue, dated 6th November 1875, No. 3,045.

Read the following letter from Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chepauk, 22nd October 1875, No. 3,114-139.

THE Officer in charge of the Survey on the Nilgiris brings to my notice the systematic manner in which the rules for the sale of waste land on these hills are ignored with regard to road or water frontage.

2. He also draws attention to the great difference between the area of a lot as estimated by the applicant and as determined by survey. Of this, he gives an instance in a block applied for by Mr. McIvor, of which the total was stated to be 62 acres consisting of two-thirds forest and one-third grass, but which, after survey, proved to contain 237 acres, of which no less than 132 acres is forest.

No. 1,260-545 of 15th October 1875.

3. The copy of letter referred to is enclosed.

ENCLOSURE No. 1.

From Captain J. G. CLOETE, Deputy Superintendent No. 1, Revenue Survey, to Colonel F. J. B. PRIESTLEY, Superintendent of Revenue Survey, dated Coimbatore, 15th October 1875, No. 1,260-545 :—

I HAVE the honor to bring to your notice the vast discrepancy sometimes discovered by survey between the approximate area given in applications for waste lands and the true extent within the limits pointed out to us as the boundary of the application.

The following is an instance :—

I supplied the Commissioner last month with maps of a piece of waste land near the Avalanche bungalow applied for by Mr. McIvor. In the application the approximate area was given as—

	Acres.
Forest	40
Grass	22

The correct areas are found to be—

Forest	132
Grass	105

or about *four times* the supposed area.

The Government might have hesitated to grant 132 acres of forest.

2. I think it my duty also to bring to your notice that the rules for the sale of waste lands are systematically ignored on the Nilgiris as regards road and water frontage.

(True Copy.)

(Signed) F. J. B. PRIESTLEY, Colonel,
Superintendent of Revenue Survey.

SUBMITTED to Government with reference to Board's Proceedings, dated 13th October 1875, No. 2,852.

2. The Board observe that, though, of course, applications as regards area can be only approximate, the Survey Officer, when he finds that, as in the present case, the application in no way represents what has been actually applied for, should suspend operations and refer the question of proceeding with the survey for further orders. The case could then be dealt with on its merits, and the danger of incurring increased delay in disposal would at any rate tend to make applicants careful.

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3. As to the second point, it is the duty of the officers disposing of the applications to see that the rule as to proportion of road or river frontage is observed. The Commissioner of the Nilgiris will report on the assertion that it is systematically ignored.

(True Copies and Extract.)

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

No. 225. ORDER THEREON, 18th February 1876, No. 240.

Land Revenue, No. 9.

IN August 1874 the Government reviewed certain representations made by the Commissioner of the Nilgiris as to the difficulties which planters on those Hills stated that they experienced in maintaining and extending their enterprise, and being of opinion that the sale of waste land by auction presented impediments to cultivation which it might be desirable to remove, they directed the Commissioner to report as to the advisability of a change of system after associating with himself any gentlemen well acquainted with the condition of land on the Hills.

The Commissioner accordingly formed a Committee of the gentlemen noted in the margin, and now submits a report in which, having passed in review the various rules which have, from time to time, regulated the disposal of waste lands and the assessment on such land after occupation, the Committee suggest certain alterations in the rules at present in force.

Major-General H. R. Morgan.
Mr. W. G. McIvor, Superintendent Government Cinchona Plantations.
Captain Campbell Walker, Officiating Inspector of Forests.
Mr. William Cotton Rhode, Planter.
Mr. E. J. C. Brace, Tea Planter.

2. Before reviewing these changes the Government proceed to notice briefly the present position of unreserved lands on the Nilgiris and the principle which should guide their disposal. Under existing orders applications for lands are received by the Commissioner, who is authorised to dispose of them, except in the case of wood or forest-land, when he must refer the matter to the Government. When no objection exists to the grant of the land, it is sold at auction at an upset price based on the estimated cost of survey and demarcation of the estimated area, subject to an assessment of Rs. 2 per acre for wood-lands and 8 Annas per acre for grass-land, payable in and after the sixth year of occupation.

Lots cannot exceed 500 acres.

Now the Government consider that every possible facility should be afforded to the *bonâ fide* settler desiring to obtain land not reserved by Government, that very liberal terms should be conceded to this class, and that no attempt should be made to realise for Government the capitalised value of the land by exposing it to public competition.

3. The proposals of the Committee are briefly as follow :—

(1.) To abolish sale by auction and to charge every applicant a fixed rate of Rs. 2 per acre for survey and demarcation of the block.

(2.) To remove all restriction on the size of blocks.

(3.) To maintain intact all existing reservations, except swamps, unless their sale be in any case sanctioned by Government on the joint recommendation of the Commissioner and Conservator of Forests.

(4.) To grant any other land to the first applicant if clear of vested interests, competing applications being decided by the Commissioner, subject to appeal to the Board and Government, and to levy assessment in the sixth and subsequent years on cultivated area only.

(5.) To reserve when wood-lands are granted a radius of 50 yards of forest round the sources of streams and a band of 100 yards of forest on either side of ridges. (No provision is made for a fringe of wood along streams).

(6.) To charge seigniorage on all timber, fire-wood, and peat, removed from the land for sale.

In other words, they propose to abolish almost all restrictions, and unless pre-occupied or reserved for public purposes, to let any one take up as much land as he likes, anywhere and of any kind, paying for its survey and demarcation, and paying the present assessment, but only on the cultivated area.

4. The Board of Revenue are of opinion that the changes proposed by the Committee are dangerously in favor of land-jobbing, and are not required, as it has not, they consider, been shown that the present terms are at all unnecessarily restrictive or have retarded the extension of planting.

They approve, however, of the Committee's suggestions as to swamps and as to the sholas on the plateau of the Hills, but would retain special reports in the case of forest-land on the slopes, and make certain suggestions under which two or three months would, they believe, suffice for the disposal of an application for land.

5. The Board, on their part, bring forward a proposal, *viz.*, that redemption of assessment be allowed at ten or fifteen years' purchase. This, the Government observe, is a general question for all India, and the rate of twenty-five years was fixed by the Secretary of State as capitalising revenue at the rate of interest on public loans, *viz.*, 4 per cent., but a communication on the subject will be addressed to the Government of India.

6. The Committee apparently attribute the tardy occupation of the extensive waste lands on the Nilgiri plateau to the action of the present rules for their acquisition, and overlook the hindrance arising from unfavorable climatic conditions and the prevailing poverty of soil which limit the field for planting operations, and enhance the expenses of cultivating and maintaining estates.

7. There being, however, an opinion that the rules contain certain objectionable features, in pursuance of the policy already indicated, the Government resolve to consider whether a system can be framed to admit of the abandonment of the auction system, vesting in the Commissioner authority to dispose of individual applications, subject to an appeal to the Board of Revenue, who will, therefore, draw up with all practicable despatch, a scheme of rules for this purpose, somewhat on the model indicated in paragraph 14 of their Proceedings of the 18th March 1870, No. 1,861, and submit them for the consideration of Government. They will also consider the propriety of placing a limit on the amount of land acquired by a single individual by requiring the planting of a certain proportion of each original holding before the

submission of a fresh application, and also whether applications should be restricted to an amount of less than 500 acres.

8. In the matter of wood and forest-lands, the Commissioner will take immediate steps, in communication with the Conservator of Forests, to have all necessary reservations defined. Wood-lands required for fuel and timber must be strictly reserved, and these, together with sufficients belts of wood on both sides of all springs and streams and ridges of wood on *all* hill-tops, will be registered as unsaleable after approval by Government, and will then, as suggested by the Committee, be marked on a map to be kept in the Commissioner's Office for the use of intending applicants. The orders regarding the Coonoor ghaut and the woods in the neighbourhood of Ootacamund will remain in force. Some of the causes which led to the restriction on the grant of swamps are not noticed by the Committee, and the Government are unable to accede to their recommendations, but have no objection to its being determined what reservations are necessary for grazing purposes and the preservation of the water-supply, with a view to these also being clearly indicated on the map as a guide to intending applicants. Where wood-lands are granted, the seigniorage will be paid on the wood and peat removed *for sale.*

Paragraph 7 of G.O., 30th January 1868, No. 259.

9. The Government are unable to follow the Committee in their arguments against the reservation of rights of way, but to avoid complication the main direction of necessary roads and water-channels will so far as possible be settled at the time of survey, and the land will then be made over, subject to the maintenance of existing rights of way and water. The rates of assessment on forest and grass-land taken up for tea and coffee cultivation have been very recently* under the consideration of Government, and they are not at present prepared to concede any further indulgence in this respect, but having in view the desirability of encouraging the growth of timber and fuel, the Board will again consider the question of the introduction of Tope Rules in a modified form suitable to the requirements of the Nilgiris and the rapid growth of the Australian trees (See G.O., 30th July 1869, No. 2,228). They will also revise the Waste Land Rules generally with reference to this order.

* G.O., 25th August 1874, No. 1,102.

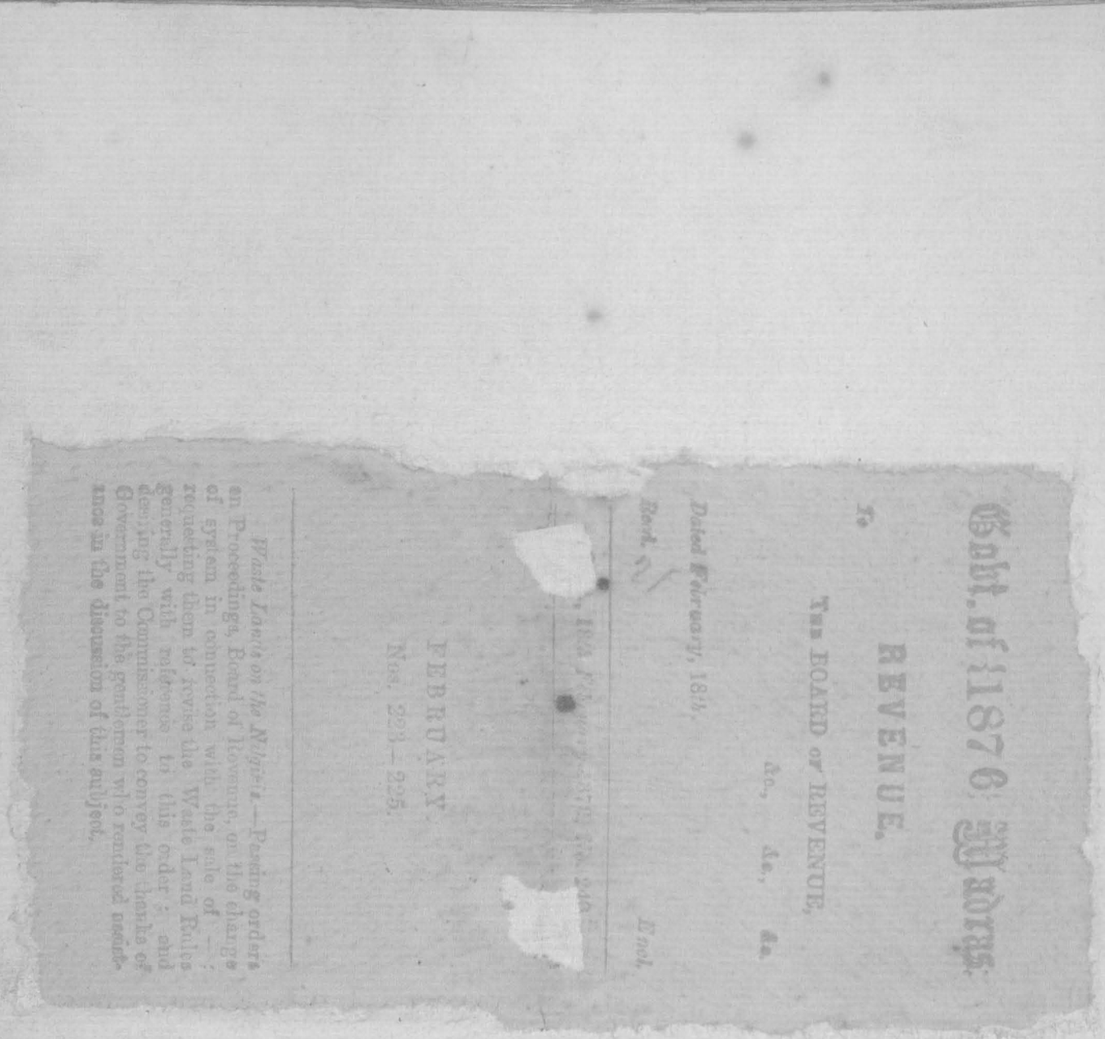
10. The Commissioner will convey the thanks of Government to the gentlemen who were good enough to render their assistance in the discussion of this subject.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

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

Exd. F. R. Bantleman.



Govt. of 1876. Works.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated February, 1876.

Read

Encl.

Waste Lands on the Nilgiris.—Passing orders on Proceedings, Board of Revenue, on the change of system in connection with the sale of —; requesting them to revise the Waste Land Rules generally with reference to this order; and desiring the Commissioner to convey the thanks of Government to the gentlemen who rendered assistance in the discussion of this subject.

FEBRUARY

Nos. 223–225.

No. 2,852.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th October 1875.

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, 16th September 1875, No. 100:—

I HAVE the honor to forward, for the remarks of the Board of Revenue, copy of my letter to Government, No. 67, dated 9th instant, submitting the report called for in G.O., No. 1,102, of 28th August 1874, on the subject of the sale of waste land on the Nilgiri Hills.

2. To prevent delay I have submitted the report direct to Government.

ENCLOSURE No. 1.

From J. R. COCKERELL, Esq., Commissioner of the Nilgiris, to A. MACGREGOR, Esq., Acting Secretary to Government, Revenue Department, dated Ootacamund, 9th September 1875, No. 67.

WITH reference to G.O., Revenue Department, No. 1,102, of 28th August 1874, I invited General Morgan, Captain Campbell Walker, Acting Inspector of Forests, and Messrs. Rohde, Brace, and McIvor to form a Commission in conjunction with myself to report on the waste land rules.

2. The report has been delayed so long owing to different opinions amongst the members of the Commission leading to drafts and redrafts. In order to obviate further delay, I have the honor to forward the report direct, and am sending a copy to the Board of Revenue for remarks.

3. In submitting the report, I beg to quote a petition presented to Parliament on June 3rd, 1875, by Sir George Campbell in favor of promoting emigration to India printed in the *Overland Mail*, dated 13th August 1875. The penultimate clause of the petition runs: "Sir G. Campbell says we want improved facilities for the resort of Europeans to the better hill climates of India, facilities for their settling there, &c.

4. I extract this sentence in view to showing the interest taken in England on the subject of settlement of Europeans in India and the need of such waste land rules therefore on the Nilgiris as will facilitate settlement. The European, not only brings capital into the country, but makes use of improved processes of cultivation, demanding a much larger annual outlay on the land than is bestowed by natives, and he settles on tracts which would be waste and unproductive unless he occupied them. Apart from the land tax he pays, his yearly expenditure in cultivation is an important indirect advantage to the State. It enriches the laborers, enabling them to pay taxes they would not otherwise have means to meet, and it enriches the country as the planter furnishes articles of export which it requires his skill and energy to produce.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

ENCLOSURE No. 2.

Report of the Commission appointed under Government Order, No. 1,102, dated 28th August 1874, to consider the expediency of a change in the present rules for the sale of waste lands on the Nilgiris.

GOVERNMENT ORDER, Revenue Department, dated 28th August 1874, No. 1,102, calls for a report on the sale of waste lands on the Nilgiri Hills, and desires that Mr. McIvor, General Morgan, and any other gentlemen well acquainted with the condition of land in the district be associated with the Commissioner in the inquiry.

2. We have the honor to submit the following remarks on the subject.

3. The questions referred for our consideration are—

(*a.*) Whether it may be possible to abrogate the system of auction beyond, say, three to five miles round the hill stations, and, in lieu thereof, to charge a very moderate upset price, which might be fixed at different rates for different districts of the hills for all comers subject to the assessment and stipulations intended to secure the *bonâ fides* of the purchasers.

(*b.*) Whether woodlands should be subjected to a special rate and valuation with reference to standing timber.

4. The "Revised Manual," as it was called from being a revision of a set of rules submitted to the Government by the Board of Revenue for the sale of waste lands on the Nilgiri Hills, was the first set of rules on the subject of the alienation of land. The manual came into force in 1849. The provisions of the manual were—

(1.) That no land was to be sold without the consent of the Board of Revenue.

(2.) That land was to be put up to auction at an upset price of eight to ten times the assessment on similar land in the nearest village.

(3.) That the price obtained was to be in addition to the annual assessment.

(4.) That the fee simple of the land was in no case to be sold.

(5.) That land for agricultural purposes was to be sold by auction on lease for thirty years for building sites on lease for ninety-nine years.

(6.) That land purchased for agriculture was liable to re-assessment at the end of thirty years.

(7.) That building lots were not liable to re-assessment and the leases were renewable every thirty-three years at the option of the lessee.

(8.) That purchasers of land for agricultural purposes were to satisfy the Collector that they possessed means to cultivate.

(9.) That land purchased for agriculture was to be brought into cultivation in "certain specified proportions" on pain of forfeiture.

(10.) That purchasers might only sell such part of the land acquired as was under cultivation.

(11.) That they were to allow rights of way to adjoining properties without compensation, but were to receive compensation for land taken up for public roads.

(12.) That rights in streams, springs, and minerals were reserved.

(13.) That power was reserved to Government notwithstanding the rules to grant land in exceptional cases on any terms deemed expedient.

5. The "Revised Manual" remained in force until 1859, when a fresh manual was issued.

6. The provisions of this manual differed from the provisions of the prior manual in the following respects :—

(1.) No upset price was fixed for land sold for agriculture. The land was to be sold by auction "subject to an annual assessment of one rupee per acre redeemable at twenty years' purchase."

(2.) Building sites were to be sold at auction at an upset price of 2 Rupees per acre on freehold tenure.

7. The new manual was superseded in 1863 by the "waste land rules," which are the rules still in force. Under these rules—

(1.) Reserves are made.

(2.) No unreserved lot within the stations can exceed 10 acres or outside them 500 acres, but each person may apply for several contiguous plots of the stated dimensions.

(3.) Auctions are maintained, the upset price being the cost of demarcation and survey. The land is to bear an annual assessment of 2 Rupees per acre for sholah and one Rupee per acre for grass.

(4.) The assessment is redeemable at twenty-five years' purchase.

8. The waste land rules are less liberal than the rules of 1849 in the following points:—

(1.) They fix the assessment on forest at Rupees 2 per acre and on grass at 1 Rupee per acre. The rules of 1849 made the assessment the rate on similar land in the nearest village and this for grass land was never more than 4 annas per acre. No sholah land was allowed to be cultivated in villages.

9. On the other hand the waste land rules abolished numerous restrictions imposed by the Rules of 1849. They abrogated the rules—

(1.) That the upset price was to be eight to ten times the assessment.

(2.) That no title on fee simple could be given.

(3.) That inquiries were to be made regarding the pecuniary means of the purchasers.

(4.) That land purchased was to be cultivated in certain proportions.

10. The waste land rules raised the assessment fixed by the rules of 1859 from a common rate of 1 Rupee to 2 Rupees per acre for sholah and 1 Rupee per acre for grass, but they reduced the rate on building lots, which, under the rules in question, was Rupees 2 per acre to the agricultural rate.

11. G.O., No. 1,656, of 22nd September 1871, modified the waste land rules by a reduction of the rate on grass from 1 Rupee to 8 Annas per acre and by the remission of the assessment on woodlands for the first five years, succeeding purchase. These modifications had retrospective effect.

12. The Government Order under reply makes a further modification. It directs that grass land like sholah land shall only come under assessment after five years.

13. The present position of unreserved land is that it is sold at auction at the upset price of demarcation and survey and both sholah and grass are free for five years when an assessment of 2 Rupees per acre falls on the former and 8 Annas per acre on grass land, and that proprietors can redeem at twenty-five years' purchase.

14. The Nilgiri District contains in round numbers, exclusive of the Outcherlony Valley, 500,000 acres of land. 33,000 acres of this area are under cultivation by the hill tribes.

15. Prior to the publication of the rules of 1849 there were no plantations on the hills. One coffee plantation was open in the Ouchterlony Valley.

16. Under the rules of 1849, 4,800 acres of land were acquired by planters.

17. Under the rules of 1859, 7,000 acres were purchased, out of which upwards of 1,800 acres were afterwards abandoned, leaving a net appropriation under these rules of 5,200 acres.

18. Under the waste land rules of 1863 the sales of lands have been 12,000 acres, of which 3,000 acres have been thrown up. An increased demand for land has recently arisen.

19. On the Nilgiri Hills Proper there are, therefore, at present 19,000 acres in the hands of planters. These figures do not include 1,000 acres under cinchona, the property of Government, and 1,000 acres of Government Eucalyptus plantations. In the Ouchterlony Valley about 5,000 acres of land are under coffee, tea, and cinchona.

20. Most of the land owned by planters has been sold at the upset price. The important exceptions are the following:—

(1.) G.O., Revenue Department, dated 22nd November 1867, No. 2,770.—Two hundred acres of land in Chengal Valley were run up to 8,400 Rupees. The opposing bidders were natives under the erroneous impression that the applicant and purchaser had already planted up 20 to 30 acres of the land with coffee.

(2.) Proceedings of the Board of Revenue, dated 22nd December 1868.—Two blocks of land in the Orange Valley were bid up to 7,500 Rupees by a native. The land turned out worthless and was never cultivated.

(3.) G.O., dated 24th June 1869, Revenue Department, No. 1,702.—Three hundred acres of land were run up to 2,200 Rupees by natives. The land turned out worthless and was abandoned.

(4.) On the 29th April 1864 at a sale of 185 acres of land beyond Kotagherry native competitors ran up the price to 4,442 Rupees.

(5.) In June 1867, 42 acres of land adjoining Runnymede Estate in the Coonoor Ghaut were run up to 1,310 Rupees. The competition resulted from a misunderstanding between certain planters on the ghaut. The land has been incorporated with Runnymede.

(6.) At the same sale owing to the same cause in the same locality 12½ acres of land fetched Rupees 600.

(7.) In July 1867, 33 acres of land adjoining the Hill Grove Estate on the Coonoor Ghaut fetched 949 Rupees from the owner of the estate. The adverse bidding was by a native.

(8.) In October 1873, 65 acres of land at Billicul were bid up by natives to 2,225 Rupees.

(9.) In February 1874, 113 acres of land applied for and purchased by the owner of the Hoolicell property fetched Rupees 3,601. The adverse bidder was a native.

(10.) On the same date 75 acres of land at Thaymullay were bid up to 25,115 Rupees. There was nothing in the quality or situation of this land to make it specially valuable. The competition in the first instance was between the applicant and planters in the vicinity of the land who wished to keep out neighbors. Finally the land was knocked down to a native.

21. The above history of the rules that have been successively introduced and their effect shows that the demand for land has augmented in proportion to the liberality shown by the Government, and this in our opinion is a fact that should be kept prominently in view. Land on the Nilgiris is poor and requires skilled culture to make it pay. Unless inducements are offered to planters to settle, it cannot be expected that any very rapid extension of cultivation over the large area unemployed will take place. Mr. Robertson, the Superintendent of the Government Farm at Sydapet, writes in his report upon the Nilgiris, dated 1875, at page 31 : "Under all the circumstances I do not think it would be safe to put the average profit derived from a coffee estate when in full bearing at more than fifteen per cent. on the capital employed, and this is not much seeing how insecure that capital is. Capital sunk in a farm in England would produce 7½ per cent. profit, and, as before pointed out, the British farmer has many advantages that the coffee-planter does not possess." Cultivation by the hill tribes is not likely to increase because the native inhabitants find they can obtain a better livelihood by working on estates than by raising the indigenous grain crops. The facts are that it is decreasing. There has been a falling off of 3,000 acres in the last seven years, the present figures being 33,000 acres against 36,000 acres under the plough in 1868. The only prospect, therefore, of bringing the waste under occupation is to afford assistance to planters, and to effect this end it is necessary that every reasonable encouragement should be offered. The Secretary of State wrote in his despatch to the Supreme Government, dated 9th July 1862, on the waste land rules of 1863 at paragraph 24 : "I fully admit the advantages which have arisen, and which in future are likely to arise, from the settlement of Europeans in many parts of India by the introduction of new or improved processes of agriculture and manufacture and by the moral influence of their example on the neighboring population, and I am most anxious that every facility should be given to persons desirous of settling in India with that object in view." It must be remembered that planters not only sink capital, but bring to cultivating processes an energy not found amongst natives. The latter merely scratch the surface of the ground and take the crops the land spontaneously yields. Their system is exhausting and long periods of fallow are necessary. An acre of land held by a native probably yields him 20 Rupees a-year net while it is under crop. The planter on the other hand fosters the productive power of his land with manure. His opened land never lies fallow, and he is obliged to spend on it 100 Rupees per acre per annum to make it yield the increase that pays him for putting it under the plough. Moreover he is compelled to do what the native is not Having embarked his whole fortune in the land, he cannot throw up his plantation. The native can migrate at any moment or throw up his holding well aware that cooly labor will give him a better and a more certain livelihood than his land. The native interests connected with land require no encouragement. On the other hand the State reaps a permanent advantage in assisting the planters and offering inducement to him to settle. Hitherto the planter has not been encouraged. Notwithstanding his value to the State, he has been required to pay for land very much more than the native. The survey of the Mekanad Division has lately been completed, and the result discloses the fact that in that district the native cultivator holds four times the area he has been paying for. But the planter has been charged for every acre of his holding. There is another consideration favoring liberality. The land on the hills is "dry land," and such land in the plains pays an assessment of from 2 Annas to a Rupee per acre against 2 Rupees for forest and 1 Rupee for grass hitherto paid here. Irrigated land below pays a high assessment, but this is for the water supplied from works which cost the State large sums of money to keep up. The planter, in fact, has been charged much higher than the native.

22. It is well here to state what the existing burdens on lands on the Nilgiris are as compared with the burdens imposed on waste lands occupied by planters in the north of India, in Ceylon, and in the Anamallais. It will appear that the Nilgiris are the worst circumstanced of all. By Lord Canning's rules waste in the whole of India was, we believe, made allottable in fee simple to planters at Rupees 2½ per acre including all charges. The Madras Government refused to allow these rules to be applied to the Nilgiris, and the waste land rules of 1863 were substituted. In Darjeeling all the available land is under occupation. The area is 20,000 acres. Part is held under renewable lease for thirty years, and bears an assessment of 6 Annas per acre. Part is freehold purchased at an upset price of Rupees 2-8-0 per acre. Four millions of pounds of tea were exported from Darjeeling last year. Tea-planting commenced in 1856. In Ceylon the Government surveyors select blocks of forest land, and these blocks are exposed for sale in fee simple at stated periods at an upset price of 10 Rupees per acre. Until lately the upset price was Rupees 2-8-0 per acre. The Government "reserves to itself the right of making and constructing such roads, &c., as may be necessary for public purposes in all lands sold." In the Anamallais we believe the Government allots land freehold at Rupees 5 per acre for forest and Rupees 2-8-0 per acre for open land, the cost of demarcation and survey being an additional charge. On the Nilgiris land is sold at the upset price of the demarcation and survey, and in the sixth year after purchase an assessment of 2 Rupees per acre falls on the forest and of 8 Annas per acre on grass, and the redemption of the land is fixed at twenty-five years' purchase, or at 50 Rupees per acre for sholah and 12½ Rupees per acre for grass. Thus the upset price of freehold in the north of India is 5 shillings per acre, in Ceylon 20 shillings per acre, and on the Anamallais 10 shillings per acre, whereas the upset price of land on the same tenure on the Nilgiris is 100 shillings per acre *plus* the cost of demarcation and survey, which may be taken on large blocks at 2 shillings per acre. The freehold price in Wynaad, where the Nilgiri rules are in force, is the same, but land held there from Native Rajahs only pays assessment on that part of the holding which may be cultivated, and the tax falls in the third year of cultivation. Private land in the Wynaad is, therefore, held on easier terms than Government land.

23. The result of the liberal land policy in the north of India is that the tea industry, which hardly had existence twenty years ago, is very important, about 20,000,000 lbs. of tea being exported annually from Calcutta, and the result of a liberal policy in Ceylon is that within the same period the revenue has run up to nearly £1,000,000 and the sea-borne trade chiefly in connection with the coffee interest is £10,000,000 sterling per annum. During this period the Nilgiris, including the Ouchterlony Valley, have developed an acreage of plantation aggregating only 25,000 acres, the annual outturn of which may be assumed to be at £10 per acre net, a quarter of a million of money, though actually it must be more than three times the amount, as in good years 2,000 tons of coffee are raised in the Ouchterlony Valley alone. We cannot but attribute this slow progress to the obstacles placed on the acquisition of land and the burdens laid on it, as there are indications that tea will pay on the plateau and coffee does pay on the sites where that commodity is produced. It has been urged that tea will not pay, and that experiments in tea-planting have invariably ended on the hills in loss. We can give no reliable information on the subject, but we do not think that any doubt as to the soundness of tea-planting as an

industry is shown by the public because applications for land are more numerous than h'therto, and at all events we remark that it is not for Government to make inquiries about the prospects of the enterprise, but to meet on as liberal terms as possible applications for land to carry it on.

24. Another reason for slow progress on the Nilgiris may be traced to the fact that Government has paid little attention to the wants of planters as regards communications. The Coonoor, Seegoor, and Goodalore Ghauts may be considered as imperial works opening up access to the hills and constructed in the interests of Government and of visitors. The money actually spent on roads made to develop planting in the last four years aggregates a sum of 70,000, Rupees of which 55,000 Rupees were laid out in the construction of the Kotagherry Ghaut. The whole sum spent on roads in this period on the hills has been Rupees 315,000. Had the Kotagherry Ghaut, therefore, not been cut, the annual expenditure out of the yearly sum devoted to roads on the hills applied to the development of the planting interest would have been short of Rupees 4,000. Previously much less was spent on planter's roads. We annex a list of the roads opened in the planting interest in the period specified with the outlay on them :—

	Rs.
1. Road from Yellanully Chuttrum to the Kartary Road Junction with Mailoor and Deva Sholah...	4,000
2. Road from Deva Sholah to Coonoor *viâ* Kartary	5,000
3. Colacambay Branch Road	5,500

25. It is apparent from these facts that land has been offered to planters at very high rates and that the Government has afforded insignificant assistance to planters in the matter of roads. What sums have been spent on communications in the North-Western Provinces we do not know. Assam and Cachar, however, are intersected with rivers, and most of the estates have water-carriage within easy distance. In Ceylon the policy has been to open the country by means of roads and rail roads and to consider the planting interest *paramount*.

26. The above remarks indicate some of the difficulties with which planters on the Nilgiris have had to contend as compared with the planters in the north of India and Ceylon. There are others not less important. The first obstacle a planter meets on the Nilgiris is delay in the acquisition of land. The course pursued is as follows :—The applicant addresses the Commissioner, who calls for a report of the claims on it. When this report is received, the Commissioner asks the opinion of the District Forest Officer, and finally sends the report to the Board of Revenue through the Inspector of Forests, who appends his remarks. The Board record their opinion, and the application is laid before the Government. If the application is sanctioned, the land is advertised for sale by auction three months after date. This procedure refers to forest. If the land is grass, the Commissioner can advertise it for sale at three months' date without any reference. The applicant is fortunate if, under such a system, forest land, which is the best land and is the only land adapted for coffee, at all events, is sold within six months from the date of application. The Planter meanwhile is dissipating his means in mere living. He is in fact squandering means and energy which, it would be to the advantage of the State, should be applied to the soil. It cannot be good policy to deprive settlers at the outset of their enterprise of any part of the capital without which they will be prevented carrying it to a successful result. If a planter with means only adequate to the operations he proposes is deprived of part of his means, the operations have a diminished chance of success and the planter has less chance of becoming a good tenant to the Government than would be the case if his resources were unimpaired and applied to the purpose originally intended.

27. There are further obstacles. Every authority connected with the allotment of land believes himself bound to consider, not only whether the forest is likely to affect the rainfall and flow of water in the streams, but whether it is picturesque and should on that account be preserved as an attraction to visitors. Æsthetic considerations are confounded with considerations of policy and both the planter and the interests of the State suffer. We venture to counsel their divorce, and that the practical element should alone enter into the question of the allotment of land. If the Government think proper to preserve forest tracts on account of the scenery, we think it should hold itself the proprietor, and the Nilgiri District be credited with the assessment at the rate demanded under the present rules from private proprietors. Otherwise no accurate impression of the progress of the district can be formed. To refuse such land to planters and to retain the forest in order to attract visitors is *pro tanto* to prevent the development of the Nilgiri revenues. It is also to run counter to the expressed wishes of the Secretary of State that every facility should be afforded to planters. No doubt it is important to consider the wants of visitors as the hills are a sanitarium benefited by their presence, but the question is whether the preservation of picturesque forests attracts them or whether they do not come up merely for the climate. We incline to the latter opinion. We think the reservation of the forests in the settlements which we jealously preserve sufficient for the æsthetic requirements of visitors.

28. In connection with this part of the subject it may be well to remark that the intervention of the Board of Revenue and of Government in the allotment of land meets no object because these authorities are practically guided by the opinions of the local officers. References to them seem merely to entail delay and to be productive of no good whatsoever.

29. We revert to the text of the Government Order under report—"whether it is possible to abrogate the system of auction." In the history given above it has been shown that the gain accruing to the Government by the auction system has been insignificant and the competition arising is competition the Government would not probably think it convenient to encourage. With regard to the first point, the figures speak for themselves. With the exception of the last illustration quoted, which was of peculiar character from special circumstances, the prices obtained and the net gain accruing have been small when it is considered that in all 19,000 acres of land have been sold by auction. With regard to the competition arising, it is apparent that competition sets in if planters have a misunderstanding amongst themselves, if they have a misunderstanding with natives, and, lastly, if natives become impressed with the idea that the land put up for sale is of an exceptionally good kind. In this latter case what happens is that the native takes advantage of the pains and expense incurred by the European applicant in choosing the land to acquire what he himself would have undergone the trouble and would not have had the experience to select. The native appraises the skill employed in choosing the land and trys to wrest from the applicant the results. The consequence is discouragement to the planter, who cannot understand why he should be compelled to expose the fruits of his knowledge to the competition of speculators. He feels that such competition is nothing more than the price of his knowledge of which the Government takes advantage. If the Government selected blocks and exposed them at auction, the case would be different, but under the existing system the Government, as it were, makes use of the applicant and makes him pay the value of his knowledge. It procures service without payment.

30. We think the Government will not desire to perpetuate any one of the causes of competition we have mentioned; and that, as the auction system has not brought in gains commensurate with the evils it has occasioned, it should be abolished. The primary object of the Government is to induce planters to settle, and in our opinion every obstacle tending to defeat this object should be removed. The auction system has the disadvantages enumerated; and, as there is a large area of land on the hills unoccupied, we cannot discern in it countervailing considerations.

31. The Government wish for an opinion whether in lieu of auction a moderate upset price at different rates for different districts should be charged. We have already recorded our views regarding the poverty of the hill soils. What is wanted is inducement to the planter to settle, which means offering him land at as cheap a rate as possible. We propose to charge only the cost of demarcation and survey at a fixed rate to be noticed furtheron.

32. We may state here that we have considered the question of introducing the Northern Provinces and Ceylon system of an outright sale in fee simple at an upset price for blocks selected by Government. We are adverse to the system. Land in the localities referred to is chiefly forest in which no selection is necessary, one block bearing the same character as the adjoining block. On the Nilgiris it is different. The forest is scattered, and the skill of trained planters is

required to choose the portions with the accompanying open land suitable for estates. Government servants could not perform the work satisfactorily. Moreover we prefer a system which involves the payment eventually of an assessment to an outright sale of land except at a price not likely to be obtained in the present condition of the hills.

33. The Government inquire whether woodlands should be subjected to a special rate and valuation with reference to standing timber. The sholah wood as a rule is valuable for firing only. Sometimes the better sorts of timber are found. It seems to us preferable to regard wood as valuable in so far only as it finds a sale, and we introduce a rule by which wood thrown on the market by a proprietor shall pay seigniorage to the Forest Department. In this manner the department will be protected, and wood will not be given away to the planters which is worth preserving in connection with the forest revenue. The planter should, of course, be allowed to fell and use the natural wood on his holding. The stations will be provided with firewood from the sholahs within settlement limits and thinnings from the Government plantations.

34. We proceed to explain the grounds on which the rules we shall propose for adoption by Government rest. The most important element in the question is the influence of sholas on rainfall. On this point the propriety of alienating or retaining the sholas seems to rest entirely. If felling forest diminishes the water-supply of the country, all forest should be preserved and planting be prevented altogether. A member of our body believes that the denudation of hills of forest develops a larger water-supply, and he will append to this report his views on the subject. The rest of the Committee consider themselves bound, without expressing an opinion, to draw the attention of the Government to the published authorities on the subject. Mr. Marsh, in his work on "Man and Nature" published in London in 1864 after summing up both sides of the question states at page 196: "one important conclusion at least upon the meteorological influence of forests is certain and undisputed, the proposition, namely, that within their own limits, and near their own borders, they maintain a more uniform degree of humidity in the atmosphere than is observed in cleared grounds," and at page 197 "the soil of forest is always moist, and it is exceedingly rare that a primitive wood suffers from want of humidity. It is well established that the protection afforded by forest against the escape of moisture from the soil ensures the permenancy and regularity of springs, not only within the limits of the woods, but at some distance beyond their borders. As the forests are destroyed, the springs which flowed from the woods, and consequently the greater water-courses fed by them, diminish both in number and volume." Mr. Marsh illustrates his propositions by numerous authentic instances, and records his opinion that it is necessary to preserve the wood round the sources of water-courses and on ridges. He draws this conclusion, not only from the proposition that woods preserve the flow of springs, but that the roots of trees arrest the too rapid percolation of water in the soil, and in this manner regulate floods. According to an article in the *Madras Mail* of the 31st May 1875, the Blue Book published on Indian forests in the current year supports on the whole a similar conclusion. There it is alleged forests temper the action of the wind, and "they act in such a manner that persistent draughts and violent rains are alike avoided.

35. The question of the effect of forest on rainfall and in other respects is extremely obscure, and a great deal has yet to be learnt on the subject. No one seems to know how far it is safe under given circumstances to divest hill countries of their covering of forest, and no accurete observations have been made on the subject on a large scale. Lieutenant-Colonel Pearson, the Conservator of Forests in the North-Western Provinces, points out (page 11) in the brochure entitled "Supplement to Reports on Forest management in France, Switzerland, and Lower Austria" published in 1873, that landslips and torrents result from felling the forests, but nothing is said about rainfall. Steps are now being taken at great expense in these localities to arrest landslips and torrents by reboisements or plantations. There is, as far as can be foreseen, however, reason to suppose that harmful denudation would not occur on the Nilgiris even if the forest was abandoned to planters without reservations because the natural exposure of the plateau renders it necessary for planters to seek all the protection for cultivation possible. Planters will consequently themselves endeavor to preserve the natural woods on the more elevated spots, and will raise belts of gums to afford protection where no natural screen exists. Moreover planters of tea must, in their own interests, preserve part of the sholah on their holdings or raise artificial plantations, as an acre of tea needs, it is said, three acres of forest to supply firing for the manufacture and wood for boxes.

36. We conclude this question of forest, observing that no one can tell what portions of forest may be removed without detriment to the rainfall, and that, in the absence of such knowledge, all it is incumbent to do is to proceed upon the experience recorded by Marsh and others, leaving difficulties that may arise to be dealt with when they appear. It is obvious that, if the natural forest is preserved to guard against hypothetical danger, a great immediate advantage in the opening up of the district will be sacrificed, and we think the interests of the present generation should not be postponed to circumstances which may never arise. With the reservation of forests on ridges and at the sources of streams we contemplate that, as a rule, all will be done that is needed.

37. In the existing rules blocks of 500 acres are prescribed, and any person may apply for contiguous plots. We propose to maintain the restriction requiring land to be occupied in block, but, in the spirit of the present rules, we place no limit to the size of an application. The mere restriction of holdings to a specified area will lead to no object because applicants who wish to speculate cannot be prevented from acquiring as many blocks as they wish by the simple expedient of putting in applications in the names of relations or friends. Land on the hills will probably not be jobbed to any extent. But, if it was jobbed, the State would profit because jobbers job to make money, and any person with capital sufficient to enable him to take up large areas would lose no time in selling his land to others and making as much out of his speculation as possible. In the present state of the hills he would further the objects of Government instead of retarding them. He would act as agent to Government in inducing planters to settle. Another aspect of the question appears to be it is not the function of Government to refuse to sell land at its disposal in order that the distribution may take a specified course. The more commercial affairs, such as speculations in land, are left unfettered, the more it seems to us is prosperity likely to be promoted inasmuch as the purchasers from Government must be prepared to sell at the market price or to see their speculation fail. It is probable that purchasers of land on the hills will seek to realize speedily. The prospects of the hills are at present too precarious to induce speculators to invest with a view to profit to their families on their own death. It may be said generally that a land-jobber will not adopt a large speculation the profitable issue of which can only be expected after a very long time in a country in which he cannot reside as the permanent home of himself and his children after him. Such a country is India. In the Colonies it might be different where there is a climate in which Europeans flourish.

38. We have debated the propriety of departing from the rule laid down in G.O., No. 259, dated 30th January 1868, enjoining the strict preservation of swamps. Blocks will be sought in common with other blocks in which there are swamps, and it seems a needless restriction in these circumstances to cut out the swamps. We recognize the possible use of swamps as sponges and the influence they possess in that capacity on the distribution of the water-supply, but this need not prevent their alienation to planters if precautions are taken against their being made the subject of speculation merely for the peat. We suggest the rule being applied to them be we apply to natural wood sold by the planters, namely, that on peat placed on the market the planter shall pay the signorage exacted for wood sold.

39. The existing rules provide for a deposit of the estimated cost of demarcation and survey. This cost is large in small blocks, small in large blocks. We have reflected that a main object in the rules we propose is to secure *bonâ fide* occupation, and we think the end would be attained by fixing the cost of demarcation and survey at 2 Rupees per acre. Such a sum, looking at the fact that land in other parts of India is sold outright for 5 shillings per acre would be almost the fee

simple value of the land, and the sum should operate to deter mere speculators. On the other hand the Government in the long run would not be a loser because 2 Rupees per acre would indemnify the Survey Department. We would not allow an applicant withdrawing his application to recover his deposit for survey. This would be another obstacle to speculation.

40. We propose the price of the land should be simply the cost of demarcation at 2 Rupees per acre. An applicant will apply to the Commissioner, who will make inquiries as to claims on the land, and, when those are settled, will put the applicant in possession without further delay. The Commissioner will not allot any land without the concurrence of the Forest Officer, his opinion being framed solely on the principles laid down of the reservation of a land of forest on ridges and of a radius round the sources of streams. Any conflict of opinion between him and the Commissioner will be submitted to the Board of Revenue for decision, and an applicant will be entitled to appeal or refusal of land if he thinks a departure from the principles suggested has been made.

41. With regard to assessment, we observe that Government, at paragraph 4 of the Order under report, remark: "It is not intended to descend until the estate is in full bearing." In the spirit of this view we suggest that assessment should fall in the sixth year of cultivation, but only on such parts of the holding as may be planted up. Such a rule will after all leave land on the Nilgiris more heavily burdened than land in the north of India, Ceylon, and the Anamallais, provided the price in fee simple is maintained at twenty-five years' purchase, and we do not propose to alter this provision. It will put land on the hills on a more favorable footing than Government land in the Wynaad, but not than private land in that district. But land on the Nilgiris should, in our opinion, receive more liberal treatment than land in the Wynaad, where the climate is specially favorable for planting, and there is more forest than on the Nilgiris. It must be borne in mind that on the hill plateau coffee, which is the staple of less elevated lands, will not grow, and tea is the product on which dependence must be placed for an extension of cultivation. Tea, however, on the hills is only in an experimental stage. Hence the reason for supplying land for the enterprise on the most liberal terms possible.

42. We think a radius of fifty yards of forest round the sources of streams will be sufficient, and a band of 100 yards of forest on either side of ridges. It will be a matter of fact what sources and ridges need the protection suggested, and any difference of opinion on the subject in a particular case will be laid before Government for decision through the Board of Revenue.

43. We have considered whether the right apparently reserved by the Ceylon Government to run public roads through estates free of cost should be applied on the Nilgiris. We think it preferable to rely on Act X. of 1870. The fewer the restrictions imposed on property are, the greater will be the inducement to capitalists to settle.

44. We have also considered whether the reservation laid down in the rules of 1849 should be re-affirmed and proprietors be accorded a right of way through adjoining properties. As it has been found necessary to frame an Act whereby only can the Government, in the interests of the public, appropriate private property for roads, it seems inequitable that private persons should have superior advantages. The matter may be considered in another light. Government waste is alienated in the interests of the State, not in the interests of an individual. If a margin to a high road is appropriated by a proprietor and he refuses a passage over his land from the road to the land behind, and there is no other road then, if it is to the interests of the State to assign the land behind, it has power to take up under the Act land on the margin for a passage, and it ought to pay for what it does to further its interests. To give an applicant for land a right to a passage through the property of a neighbor would be to restrict a settler in his rights and subordinate them in favor of an intending settler. We are adverse to a private right of way being reserved.

45. Two forms of deed will be necessary under the proposed rules. These we think should be drawn up by the Government Solicitor.

46. Blocks of land bordering on high roads will be of the form required by the existing rules, and all blocks must be compact.

47. Our rules do not affect the hill stations in which the existing rules should remain in force. Our rules are framed solely with reference to agriculture on a large scale and such operations can only be carried out beyond the limits of the settlements.

48. With regard to a radius round the stations referred to at paragraph 7 of the Order under report, we observe that the settlement round Ootacamund, according to the revenue survey, is 12,000 square acres or 18 square miles, the settlement round Coonoor is 8,000 square acres or 12½ square miles, and the settlement round Kotagherry is 8,000 square acres or 12½ square miles. These areas we apprehend are sufficient to meet the views of Government.

49. We have considered the question of reserves. Whatever land is under reservation at present we would not alienate without a reference to the Government being submitted by the Commissioner and Inspector of Forests on application coming forward for them. All the rest of the land on the hills we would alienate subject to the reservations of forest on ridges and at the sources of streams proposed. These reserves as ascertained should be noted on a map by the Survey Department, and a copy of the map, rectified from time to time, be hung in the Commissioner's Office.

50. The Commissioner will submit a half-yearly report through the Board to Government of the alienations in order that the working of the rules may be known and the effects noted by the highest authority.

51. If our rules should be accepted, we propose that all pending applications shall be treated under their provisions. It is our impression that the rules will provide the relaxations needed as regards the allotment of land. They will operate to put planters in possession without delay as all the inquiries needed can be made in ordinary cases within a month of the date of application, and the allotments will be made on sufficiently favorable terms to secure the object in view of extended cultivation.

52. With these remarks, we append the rules and the existing rules in parallel columns in order that the difference may be noted at a glance.

(Signed) J. R. COCKERELL,
Commissioner,
(,,) H. R. MORGAN, Major-Genl.,
(,,) W. G. McIVOR,
Supt., Govt. Cinchona Plantations.
(,,) CAMPBELL WALKER, Capt.,
Offg. Inspector of Forests.
(,,) WM. COTTON RHODE,
Planter.
(,,) E. J. C. BRACE,
Tea Planter.

(True Copy.)
(Signed) J. R. COCKERELL,
Commissioner.

ENCLOSURE No. 3.

Existing Rules.	*Proposed Rules.*
I. Waste lands in which no rights of private proprietorship or exclusive occupancy exists, and which may not be reserved as hereinafter	I. Waste lands in which no admitted claims to private proprietorship or exclusive occupancy exists, and which may not be specially

provided, may until further notice be sold under the following rules.

II. Applications for land under these rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars:—

(*a.*) The estimated area of the land applied for.

(*b.*) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres, unless otherwise specially ordered by Government, within the limits of the station of Ootacamund, Coonoor, Kotergherry; the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact and as nearly as possible a parallelogram when the land touches any road or river; the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that, as far as practicable, their length shall not exceed half their depth.

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If, on receipt of an application under Rule II., the Commissioner has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks unless the land is already surveyed and demarcated. The Commissioner will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI. within six weeks from the date of demand his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI. the Commissioner shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III., and shall advertise the lot for sale on a given day to be fixed so as to admit of the notice required in Rule IX. being given.

IX. The advertisement shall be in English and in Canarese and Tamil, and shall specify the locality, extent, and boundaries of the lot, the aggregate annual assessment and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself, as well as in the neighbouring villages, in the offices of the Commissioner and the Tahsildar of the Taluq and the nearest Police office. A notification of the intended sale shall also be inserted in the District Gazette. The Commissioner shall at his discretion fix the time and place of sale and may alter both if necessary, provided that not less than fourteen days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised as aforesaid for three full months.

X. The Commissioner shall send written notice of the place and time of the sale, as also of any alterations under the provisions of Rule IX., to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

XI. On receipt of application for lands under these rules the Commissioner shall hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the lands applied for he will duly warn the applicant that the survey will be undertaken only at his request and at his risk. Should the applicant prefer that the survey should be proceeded with on these terms the same will be done, and if after the survey it should prove that the lands are not saleable under these rules the applicant must pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III. If no such warning be given and the land should eventually prove not to be saleable then the survey will be at the expense of Government. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI. as may not be expended.

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reserved as hereinafter provided, may until further notice be granted under the following rules.

II. Applications for land under these rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars:—

(*a.*) The estimated area in acres of the land applied for.

(*b.*) The situation of the land and its boundaries as accurately as can be stated.

Omit.

III. Lots which may be of any size shall be compact and as nearly as possible in parallelograms when the land touches any road or river; the length of the road or water frontage shall not exceed one-half of the depth of the lot, and in all other cases the blocks will be so laid out that, as far as practicable, their length shall not exceed half their depth.

IV. Every lot shall be surveyed and durable boundary marks erected at the expense of the applicant.

V. If, on receipt of an application under Rule II., the Commissioner has reason to believe that no objections exist to the grant of the land he shall call upon the applicant to deposit with him the estimated cost of survey and of marking out durable boundary marks at a uniform rate of Rupees 2 per acre. The Commissioner will refund to the depositor any portion of his deposit which may be in excess of the amount payable at the above-mentioned rate of 2 Rupees an acre on the result of the survey and demarcation and the depositor shall pay any deficiency.

VI. If the applicant fails to deposit the sum required under Rule V. within a month from the date of demand his application shall be null and void.

VII. On receipt of the deposit required under Rule V. the Commissioner shall, as soon as possible, cause the applicant to be put in possession of the land and further have it surveyed and marked out.

VIII. A notification in English and Tamil, specifying the locality, extent, and boundaries of the lot, shall be posted on the land in the neighbouring village and in the offices of the Commissioner and his subordinates as soon as possible after an application has been received, and no allotment shall be made in less than one month from the date on which such notification is posted.

Omit.

IX. On receipt of an application for land under these rules the Commissioner shall hold a preliminary inquiry, and if he sees reason to believe that claims will be put forward for the land applied for he will hold the application in abeyance pending the result of such inquiry and the disposal of the same in due course of law, and the applicant will at once be informed of the objections to immediate disposal of his application.

XII. On the withdrawal of an application it shall be discretional with the Commissioner to proceed with the sale of the land or not as he considers best for the public interests.

X. An applicant withdrawing his application after the deposit has been paid shall not be entitled to a refund, and another applicant applying for the same land shall be liable to pay a deposit of the estimated cost of demarcation and survey at the rate of 2 Rupees per acre, notwithstanding that the survey and demarcation have already been performed at the expense of a former applicant.

XIII. The upset price shall in all cases be merely the cost of the survey, and of erection of durable boundary marks. If the original applicant be the purchaser he shall receive credit for his deposit or payment, otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, be preferred to the land the lot shall be, as advertised, put up to auction and sold to the highest bidder above the upset price, subject to an annual assessment payable on or before the 30th June of each and every year of 2 Rupees for each acre of forest land and 8 Annas for each acre of land other than the forest contained in the lot.

XI. Land disposed of under these rules shall be free of assessment for the first five years after the date on which a declaration in writing is made of the grant, and the land thereafter shall be subject to an annual assessment payable on or before the 30th June of each and every year at the rate of 2 Rupees for each acre of forest land and 8 Annas per each acre of grass land actually brought under cultivation.

XV. The successful bidder shall immediately, on the sale being declared, pay down ten per cent. of the price. The residue of the purchase money may, at the option of the purchaser, be paid in full within thirty days, or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of six per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the Form X. annexed to these rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government shall cause the purchaser to be served with a notice intimating that, after the expiration of thirty days from date of service, the Government will either resume possession or cause the land to be sold at the risk of the defaulting purchaser, and if payment

XII. The grantee shall, as soon after possession is given as possible, be furnished with a title-deed in the form annexed to these rules.

of the arrears be not made within the prescribed period of grace steps shall at once be taken either for the resumption or resale of the land. When the purchaser elects to pay the purchase money by instalments he shall not receive possession until he has duly executed the Deed marked Y. annexed to these rules. When the conditions of Deed Y. have been duly fulfilled a deed in the Form X. will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale :—

(1.) That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) That immediately after the lot is knocked down the purchaser thereof shall pay to the Commissioner a deposit of 10 Rupees per centum in part of his purchase money and intimate to the Commissioner whether he elects to pay the residue within thirty days or by three yearly instalments as provided by the rules passed by the Honorable the Governor in Council under date the 6th day of March 1863, No. 478-A, and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said rules.

(3.) That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall, within thirty days from the day of sale, pay to the said Commissioner the residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked X. annexed to the said rules.

(4.) That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall, within ten days from the day of sale, execute a deed in the form marked Y. annexed to the said rules.

(5.) That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property and the measurement and boundaries of the premises previous to the sale ; as, by having the premises knocked down to him, the purchaser

XIII. The first applicant shall be the grantee. When there are two or more simultaneous applicants for the same land the Commissioner shall exercise his discretion in making the allotment, and his decision shall be accepted by the applicants subject, however, to appeal to the Board of Revenue and Government.

XIV. That a grantee under these rules shall not be at liberty to dispute the correctness of the survey after it has been completed on any grounds whatsoever; as, by accepting the declaration of grant, he shall be considered to have waived all objections in the description of the

thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

(6.) That if the purchaser elects to pay within thirty days, and if from any cause whatever the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for ten days from the day of sale to execute a deed in the form marked Y. annexed to the said rules, then the purchaser shall pay to the Commissioner interest at the rate of 12 Rupees per cent. per annum on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case or until a deed in the Form Y. be executed in the other case, without prejudice, nevertheless, to the right of resale reserved by the 7th condition.

(7.) That if the purchaser shall neglect or refuse to comply with the above conditions or any part of them, his deposit money shall be forfeited and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any arising from such resale together with all expenses attending it, shall be made good by the purchaser at the present sale who shall so neglect or refuse as and for liquidated damages.

XVII. If before the time of sale a claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land or any part of it the Commissioner shall postpone the sale of the land until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these rules without the express sanction of the Government.

premises or other error in the particulars of the property as finally exhibited in the map.

Omit.

Omit.

XV. Existing reserves are not to be granted under these rules without the express sanction of the Government. A map of such reserves will be prepared and maintained in the Commissioner's office, and will be open to inspection by intending applicants at such times and

A register of such reserves will be maintained in the Commissioner's office, and will be open to inspection by intending applicants at such times and under such rules as the Commissioner may prescribe by notification in the District Gazette.

XIX. The annual assessment on lands sold under these rules may at any time be redeemed by the owner by payment of a sum equal to twenty-five times the said annual assessment, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the estate on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the Form B. annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these rules shall, nevertheless, continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands sold under these rules, are reserved and in no way affected by the sale of such lands under these rules.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on putta, cowle, or otherwise at their discretion as heretofore.

under such rules as the Commissioner may prescribe by notification in the local Gazette.

XVI. Grants of forest land under these rules shall be liable to the reservation of a radius of fifty yards of wood round the sources of streams and a band of 100 yards on either side of ridges clothed with forest.

XVII. Land granted under these rules may at any time be redeemed by the owner on payment of a sum equal to twenty-five times the land revenue payable on the assessable area in the grant, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the form annexed to these rules.

XVIII. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XIX. Lands granted or redeemed under these rules shall, nevertheless, continue subject to all general taxes and local rates payable by law or custom.

XX. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands granted under these rules, are reserved and in no way affected by the grants of such lands under these rules.

XXI. These rules do not apply to lands situated within the limits of the settlements of Ootacamund, Coonoor, and Kotergherry, or to the Wellington Cantonment as determined by the present survey.

XXII. All timber or firewood from natural wood cut on land granted under these rules removed for sale shall be charged the usual rates of seigniorage payable on similar timber or firewood removed from forests under conservancy, and shall be removed only under a forest pass. Similarly seigniorage will be charged on peat removed from the land and sold.

B

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on terms other than those prescribed in these rules or at their discretion.

(Signed) J. R. COCKERELL,
Commissioner.
(,,) H. R. MORGAN,
Major-General.
(,,) W. G. McIVOR,
Supt. Govt. Cinchona Plantations.
(,,) J. CAMPBELL WALKER, Captain,
Officiating Inspector of Forests.
(,,) W. M. COTTON RHODE,
Planter.
(,,) EDWARD J. C. BRACE,
Tea Planter.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

ENCLOSURE No. 4.

Minute by W. G. McIVOR, Esq., Superintendent of Government Chinchona Plantations, dated Ootacamund, 27th August 1875.

I HAVE signed the above report as it suggests useful modifications of the restrictive land rules now in force. On some points, however, I believe it necessary to go a step further in order to secure the prosperity of this district.

2. The G. O. of 28th August 1874 evinces an earnest desire to deal with an admitted evil. To enable the Government to do this effectually it is necessary fairly to state facts and results. Here land-owners are, as a rule, anxious to sell their property. They believe if the acquisition of Government waste is permitted on fair terms it will depreciate the value of present holdings, increase the rates of labor, and thus act prejudicially to their interests; overlooking that increased prosperity will attract both labor and capital and enhance the value of land now under cultivation. I call attention to this fact as, after discussion, it has been found necessary to draft and redraft our report, each draft being more liberal than the preceding one.

3. At paragraph 3 of the order above noted, Government "see no reason to modify the existing rates of assessment, *viz.*, 2 Rupees an acre for forest land, and 8 Annas for grass land. Both rates are moderate and would prove an almost inappreciable tax on a fairly-productive estate when once in full bearing," and at paragraph 4 observe "the burden, however, is not intended to descend until the estate is in full bearing." True calculations may show an annual tax of 2 Rupees an acre on forest land as "almost inappreciable." The success of the cultivator, however, does not depend on calculations, but on the stern realities. Thus assessment of 2 Rupees an acre annually for waste land redeemable at twenty-five years' purchase or 5£ per acre in fee simple (exclusive of cost of survey and demarcation) is twenty times the prevailing rate imposed on waste land in all parts of the world and in this Presidency also; the Nilgiri and Shevaroy Hills forming, I believe, the only exceptions. It is in fact a tax which history shows has not been attempted to be raised in any part of India by the most exacting Native Princes on "dry cultivation" (a term which applies to all cultivation in this district), even in the densest populated parts of the Presidency and on land which has been for ages under cultivation. It is a rate, also, applied only to districts where Europeans have shown a desire to take up waste land. At the present time the ordinary rates paid here by native landholders ranges from 2 Annas to 10 Annas per acre. The rates paid on land held by Europeans range from 8 Annas to 2 Rupees per acre.

4. Facts are not wanting to establish that an annual tax of 2 Rupees per acre is a rate the land cannot bear. That it has failed in its application to this district is but too well established. During the incumbency of the late Commissioner or from 1869 to 1872 *three hundred and sixty-six* acres of waste land was granted. While in the same period the land relinquished by European cultivators alone exceeded four thousand acres,* and by natives about five thousand acres, or, say, in round numbers, nine thousand acres were relinquished to three hundred and sixty-six acres granted. At that time it was felt that relief must be given or the district would become an unproductive waste, consequently the assessment was remitted for the first five years of occupation. This stayed the abandonment of cultivation for the time, but these five years have now elapsed, and, as the total profit to cultivators on much of the land occupied is under 2 Rupees an acre, if this assessment is enforced more land must yet be relinquished, as cultivators cannot be expected to employ their capital and labor on unprofitable cultivation.

See List appended A.
* See List appended B.

5. In order to understand how heavy this assessment becomes, it is necessary to take into consideration that the land of the plateau of the Nilgiris is very unequal in quality and exposure. That in holdings of any extent, for every acre of land that is capable of profitable cultivation there are from six to twelve acres of land incapable of yielding profitable crops. The assessment is charged on the whole extent of land granted, this brings up the tax per acre on the productive land to from 14 to 26 Rupees annually. As an example of this, I refer to Devasholah; here a tract of the finest forest land on the plateau was carefully planted throughout. The exposed or wind-blown parts being planted several times, over ten years' experience shows that in this fine tract of land there is not one-tenth of the entire holding capable of profitable cultivation. On the Ossington Chinchona plantations in January 1874, upwards of 30,000 fine chinchona trees were killed down to the ground by frost. The Cyclone of May of the same year so damaged these plantations that they will take years to recover. The frost of last winter did more damage than in 1874. Such are some of the realities which generally do not form a part of calculations, but makes the difference between profit and loss—a difference on which the existence of cultivation must depend.

6. The tax falls after five years, not after the land is in full bearing. The only profitable crops that can be cultivated here do not come into full bearing until from eight to fifteen years from the date of planting. On the plateau, tea and coffee come into full bearing at from eight to ten years, chinchona into bearing at from ten to fifteen years. It takes at least three or four years to form and plant out an estate of from two to three hundred acres; consequently, as the assessment falls five years from the first day the land is granted, it will be seen that the planter pays a heavy tax long before he can realize any profit. If the Government granted to the planter what was otherwise valuable, there would be some reason for this course being adopted; but when it is considered that waste land on the plateau of the Nilgiris cannot be used by Government, that it has not from time immemorial and cannot for all time to come yield a rupee of revenue to Government until brought into productiveness by the labor and capital of the planter, a liberal policy might have been applied as it could not cause loss to Government. It is not to the interest of the State, it is not to the interests of the subject to apply rules which must keep the cultivator in perpetual poverty by taking from him in the shape of tax the money he is in every other province or country allowed to put into the soil to develope its productiveness. This policy, I submit, shuts up the source of wealth and impoverishes alike Government and the country.

7. If this district is to be prosperous, land should be sold in fee simple at 5 per acre, or if this is not done, it should be given for twenty or twenty-five years free, and no assessment over 1 Rupee per acre should be fixed on any land Had this been done forty years ago, I hesitate

not to say that we would now have had a prosperous district, a wealthy population, and a greatly increased Government revenue.

8. The value of property here has been for many years decreasing. Estates have, as a rule, passed out of the hands of the original proprietors at prices varying from one third to one-sixth of the actual cost. The fact of men who had labored for years in forming plantations being content to submit to such a sacrifice in disposing of their property indicates that their experience had produced a deep-seated conviction of the unprofitableness of the undertaking.

9. Rule XVI. reserves a radius of fifty yards of wood around the source of springs and streams. This will cut up holdings and cause great inconvenience, as it is difficult to find a natural forest on the Nilgiris of even an acre in extent in which one or more springs does not arise. This reservation is suggested in accordance with the theory promulgated by Mr. Marsh in his work on "Man and Nature" published in 1864, where it is endeavored to be shown that the presence of forest adds to the flow of water in springs and streams. In common with all authority, Mr. Marsh recognizes a tree to be a moisture-consuming and a moisture-dissipating organism. At pages 169 to 172 he shows that the quantity of moisture extracted from the earth by only fifty trees to an acre is measured by thousands of gallons. Mr. Marsh brings forward so many well-known facts to illustrate the enormous quantity of water extracted from the soil by living trees, that they force on every reflecting mind the necessity of discrediting his conclusions. Had Mr. Marsh told us that a fine city had been formed by a great conflagration, we would of necessity disbelieve the statement, because we know that fire does not create but that it consumes and dissipates building material, much in the same way as a tree consumes and dissipates moisture.

10. In this district I have seen streams and springs completely dried up by planting trees near their source and on the water-shed. Take, for example, the stream which flowed twenty years ago in the nullah in the east of Woodside and the stream in the nullah to the east of the Club. I found by accurate measurement extending over some years, both before and after the forest on the Ossington Estate was felled, that the flow of water in the stream arising from this forest increased threefold after the forest was felled, and these observations were made in connection with the careful records of the rain-fall. It is now some years since trees have been extensively planted in Europe and Africa with marked success, for the express purpose of drying up swampy lands. Mr. Marsh explains why this is so at page 169 in the words, "the amount of sap which can be withdrawn from living trees furnishes not indeed a measure of the quantity of water sucked up by their roots from the ground, for we cannot extract from a tree its whole moisture, but numerical data which may aid the imagination to form a general notion of the powerful action of the forest as an absorbent of humidity from the earth." Thus every known fact clearly indicates that trees dry up instead of adding to the flow of water in springs and streams.

11. The results recorded by Mr. Marsh occur in northern latitudes where trees draw much less moisture from the soil than they do on the Nilgiris. In this district, trees are evergreen and the foliage exposed for upwards of nine months in the year to an unclouded and almost vertical sun. The quantity of water drawn from the earth by our forest is therefore probably the point of every rootlet of a tree is continuously acting as a pump, which intercepts the water in its flow to the streams; throws it up to the leaves where it is evaporated into the atmosphere. These pumps do not only exhaust the moisture from the surface, but as the roots penetrate deep into the subsoil they effectually exhaust the moisture to a considerable depth below the surface.

12. It is frequently asserted that forests produce moisture. No doubt forests are generally moist, but it seems to be overlooked that this *moisture* produced the forest. I have named streams that have been completely dried up by planting trees; I have, also, observed trees sprung up along the banks of an artificial water-channel, which Mr. Lascellas turned along a bare hill in 1844 from the stream near the Hoolical village to irrigate the Hoolical coffee-estate.

13. It is admitted that a tree is mainly built up of moisture. That only by consuming and dissipating moisture is it able to select and place in chemical combination the whole of the elements of which its structure is built up. A glance at the primary conditions is on this point, I conceive, conclusive. It shows to a certainty that every locality where forest is now found, must have been more uniformly moist prior to the existence of the forest than was necessarily the case after the forest became established, because more uniform moisture is necessary to support the life of a young seedling than is necessary to support an established tree.

14. These observations are intended to show the common belief that trees add to the flow of water in springs and streams to be a fallacy, which cannot be sustained by fact, theory or hypothesis. Even the advocates of this idea admit it to be but an ill-defined theory. Under these circumstances, I believe it to be undesirable that in dealing with our waste lands, we should consign the richest portions to perpetual unproductiveness, or in other words to grasp at a shadow while we drop the substance.

(True Copy.)

(Signed) J. R. COCKERELL,
Commissioner.

A.—LANDS acquired under Waste Land Rules for Agriculture and other purposes.

Date.	Acres acquired.	Date.	Acres acquired.
24th August 1868	1·90	1st June 1871	27·34
29th January 1869	3·00	20th July ,, ...	6·47
6th September ,, ...	58·64	17th August ,, ...	0·06
11th April 1870	62·19	9th November ,, ...	0·10
16th May ,, ...	3·09	29th ,, ,, ...	3·73
13th July ,, ...	8·94	14th December ,, ...	6·32
12th September 1870	37·03	25th January 1872	44·38
10th November ,, ...	72·25	27th March ,, ...	1·49
19th January 1871	6·35		
16th March ,, ...	19·79	Total ...	366·82
27th April ,, ...	3·75		

OOTACAMUND,
27th August 1875.

(Signed) W. G. McIVOR,
Supt. Govt. Chin. Plantations.

LAND relinquished by European Holders during the incumbency of the late J. W. Brooks, Esq., Commissioner of the Nilgiris,

——	Acres relinquished.	——	Acres relinquished.
Captain Richardson and Short ...	747	Major C. P. Taylor	26
Westbury	178	Colonel Cooper	71
Orange Valley	1,120	Captain Daly...	8
Prospect	400	J. Outcherlony, Esq.	14
Chengal and Koomal	206	Colonel Walker	14
Neralay, Mr. Herklots...	396	Glencairn	489
Commander Mitchison...	436	Mr. Ettienue...	264
Northernhay and Leighwood ...	1,109	Mr. J. Warburton...	187
Messrs. Vertue and Minchin... ...	661	Vellore Bheemasing	7
Mr. Grimes, Tellamullay	29	Brooklands	170
Kodanad, Mr. Brown	232	Total ...	6,788
Colonel Dobbee	14		

OOTACAMUND,
27th August 1875.

(Signed) W. G. McIVOR,
Supt. Govt. Chin. Plantations.

With the foregoing letter the Commissioner of the Nilgiris forwards copy of a letter he had addressed to Government in reply to G. O., dated 28th August 1874, No. 1,102. The Board observe that the Commissioner's report should have been addressed to them, not to Government.

2. The subject of reference was the question whether the system of selling by auction land applied for under the Waste Land Rules might not be abolished, and sale at fixed rates for different districts of the Hills, and for woodlands, substituted; the land being still liable to the assessment, and stipulations being made to secure the *bona fides* of the purchasers.

3. The gentlemen invited by the Commissioner to consider the subject with him, have arrived at the conclusion that the auction system should be abolished, but do not propose to substitute any fixed charges in lieu, and apparently consider the expense of demarcation and survey which is to be charged to the applicants for land, a sufficient guarantee of the *bona fides* of the applicant. Existing forest reserves are to be maintained, and when blocks of forest land are granted, a circle of 50 yards radius round the sources of streams, and a band of 100 yards on either side of ridges, are to be reserved. Otherwise there is to be no restriction on the grant of forest land; and no charge is to be made on account of the wood, unless it is removed for sale, in which case the ordinary seigniorage is to be paid. Seigniorage is also to be paid on peat removed for sale; but swamps are not to be reserved. Some further changes in the rules are proposed, and a revised draft is submitted which is to apply only to lands outside the present limits of the Ootacamund, Coonoor, and Kotagiri settlements, and of the Wellington cantonment.

4. The report of the Committee contains many startling assertions, some of which the Board are unable to check, and much sophistical argument. Their conclusions readily flow from their main premiss, *viz.*, that the importance of encouragement to the European planter, and the indirect benefits which he confers upon the country, are so great, that he is to be enticed by all possible means to take up land; that Government is to obtain only an almost inappreciable share in the profits of his enterprise, if successful; and should take no precautions to secure that he is a *bonâ fide* settler, and not a mere speculative occupier, who, having impoverished the land, will return it after a few years on the hands of Government.

5. The Committee begin with a history of past Waste Land Rules on the Hills, and, attributing the extension of planting operations which has taken place to the concomitant changes in the direction of liberality successively made in the rules, argue that further relaxation of the requirements should be now introduced to secure further development. Stronger proof, however, is required of the connection between the changes in the rules and the impulse given to extension of planting on the Hills.

6. They then endeavor to prove that the terms on which land can be obtained on the Hills are more onerous than elsewhere; and to give point to the comparison state the price of land as 100 shillings an acre, as if land could not be obtained unless the land-revenue was redeemed. The Board are not aware of the terms on which land can be obtained in the north of India, or Ceylon, even admitting that the comparison may properly be made as regards those tracts; but the terms on the Nilgiris are more favorable than those in force in Travancore where the upset price has recently been raised to Rupees 10 per acre. The Board do not understand the reference to the Anamalais, and think that sales by the Cochin Government must be meant. Lands in these hills in British Territory are sold by auction under the Waste Land Rules of 1863 at an upset price of Rupees 5 per acre of forest and 2½ per acre of grass (G. O., dated 1st July 1863, No. 1,154); and notwithstanding the terms which the Committee think so liberal, planting there has not progressed. As to the comparison between Government land on the Nilgiris and private land in Wynaad, the Board beg to refer to Mr. Breeks' letter recorded in Board's Proceedings, 18th March 1870, No. 1861. The recent remission of all tax for the first five years makes the comparison there drawn still more in favor of the Nilgiris than the result arrived at by Mr. Breeks. The argument put forward in the Committee's report that the tax on plantation land is excessive in comparison with the charge made for dry land in the plains is almost beneath notice. If rates representing the same share of the crop were imposed on plantation produce, they would be much higher than those now imposed.

7. The Committee go on to state that but little has been done by Government for planters on the Hills, especially in the matter of roads; and they actually maintain that the costly ghauts which have been constructed to open up communications with the Hills are not to be taken into account, since they were made for the accommodation of visitors to the Hill Sanitaria. The outlay, they say, in the construction of planters' roads has been during the last four years Rupees 15,000 only; whereas in Ceylon the interests of planters are considered paramount, and the policy is to open up the country by roads and railways. It is within the knowledge of the Board's First Member that in Ceylon it is, or recently was, the rule that no new road shall be opened out until the residents of the district benefitted have subscribed half the cost. As to expenditure on the Nilgiri communications, the Board give in the margin the outlay on new works and repairs including ghauts during the last ~~six~~ twelve years. It is to be remembered that in other parts of the country, the communications, which are there as essential to the inhabitants as are roads on the Nilgiris to the planters, are paid for to a very great extent by rates levied on the land; but on the Hills the amount so levied is only 2 or 3 per cent. of the annual outlay.

Years.	New Works.	Repairs.	Total.
	Rs.	Rs.	Rs.
1869-70... ...	78,852	30,844	1,09,696
1870-71... ...	15,293	32,284	47,577
1871-72... ...	18,763	34,205	52,968
1872-73... ...	15,178	37,584	52,762
1873-74... ...	58,879	37,576	96,455
1874-75... ...	67,226	39,533	1,06,759

8. The Board are fully sensible of the advantages which accrue to the State and the country from the opening of plantations on the Hills, and admit that reasonable facilities for this should be granted. They are of opinion that the State should not seek to levy more than a very light tax on the profit of the enterprise, and should so regulate its incidence as not to clog the operations of the planter at a time when his resources are being sunk and returns have not yet commenced. But in order to attain the object which the State desires to encourage, *viz.*, the

1863-64	12,389	25,904	38,293
1864-65	49,087	18,265	67,352
1865-66	74,755	28,466	103,221
1866-67	99,814	29,073	128,887
1867-68	101,740	37,081	138,821
1868-69	102,571	40,917	143,488
Total	694,547	391,732	1086279
Average	57,879	32,644	90523

permanent occupation and settlement of the Hills, and the development of sound planting industry it is essential to take security at the outset to guard against mere speculative occupation of the land, and as a gage of the *bona fides* of the applicants. The report under review goes so far as to say that the State should even encourage the land-jobber, who plays the part of an agent to the Government in attracting planters to the land. Sound enterprise can need no such aid, and the tax which the jobber would levy upon the enterprise both from the State and the planter would go far to strangle it.

9. With these remarks upon the general tenour of the report, the Board proceed to discuss the changes which are recommended; the chief of which are the abolition of the auction system; the assignment of land on application for the mere cost of survey and demarcation; a fixed rate for survey and demarcation charges; the abrogation of the limit on the size of the blocks applied for; and the proposed method of dealing with woodlands.

10. The arguments against the sale of land by auction are that it has failed to secure to Government any but a mere trifle as the price of the land, that under it a man who by superior knowledge, skill and trouble has selected good lots, is then exposed to competition; which will be keen in proportion to the degree in which he is known to possess these qualities, and which may rob him of his reward, to the benefit of Government who thus secure service without payment.

11. As to the first argument it would have been well if the Commissioner had given statistics from the Waste Land Registers down to the present time. Up to 1870, the average realized at sales under the Waste Land Rules was about Rupees 4, which, however, included survey and demarcation charges. The Commissioner is requested to compile and submit a statement showing the actual extent sold outside station limits, the charge for demarcation and survey, and the total sale-proceeds. If there has not been reckless competition, and if large sums in excess of the value of the land have not been taken out of the planters' pockets, it seems at all events that they have not been hurt so far by the auction system, and need not yet complain if on account of other advantages possessed by it, Government choose to retain it in principle. The report lays stress upon the fact that in several of the few cases in which there has been keen competition, the highest bidder was a native. However desirable the colonization of the Hills by Europeans may be, the Board do not think that the rules should be framed with the avowed object of excluding native-owned capital from profitable employment there.

12. As to the other argument that the skilful selector is robbed of his reward, the Board do not think that it has much in it, as applied to the Nilgiri Hills. The plateau is a small one, the conditions of the whole of it and of successful planting are tolerably well known, and the extent of reward which is due to special skill in selection is proportionately reduced. The complaint amounts to this, that the planter is compelled by competition to pay a portion at least of the real value of his land, instead of getting what may be a very valuable property for nothing.

13. When any particular land has special value, from special circumstances of situation, facility of communication, forest, or the like, the auction system affords the best means of appraising it. The Board do not think that fixed rates for different

portions of the Hills could now be arrived at; and if they were settled with reference to average prices realized in the past, or to present circumstances of extension of communications, demand for land, &c., change would probably be inevitable in a short time. If they were then raised, the new planters would complain; if they were lowered, there would be outcry from the old ones. The auction system accommodates the price to current value, checking speculation when it is rife, and lowering the price in periods of depression, in a way which no other system can secure. And no other system can so satisfactorily dispose of rival claims. In any system of selection, or of awarding land invariably to the first applicant, there will be quarrellings, underhand practices, charges of partiality, and bad blood, far in excess of any heart-burnings caused by disappointed hopes under a system of auction sale.

14. It has certainly not been proved that sale by auction has been any hindrance to extension of planting; but the delays which have hitherto encumbered its working, are an undoubted grievance and call for remedy. Besides the time for preliminary inquiry (Rule XI.) and survey and demarcation (Rule VIII.), three clear months' notice of sale must be given (Rule IX.); and in the case of application for forest land the orders of Government further require that their sanction shall be obtained, after report by the Commissioner, the Forest Officers and the Board of Revenue; all which processes take a long time.

15. Such preliminary inquiry as it is possible or necessary to make prior to the issue of a notice of sale ought not to occupy more than fifteen days. It would generally be confined to the question whether the land applied for included any portion of an existing allotment or reserve, or whether the application obviously transgressed in an objectionable degree the rule regarding extent or frontage. A visit of a Revenue officer in company with the applicant ought to suffice for the settlement of such questions, and for the preparation of a sketch-map. The advertisement of sale might then issue and an interval of two months would be amply sufficient for accurate survey and demarcation, and to elicit claims to the land if such exist. The sale might be advertised contingent on the result of the survey, or subject to such modification as it might show to be necessary. The survey map would be of course referred to at the sale. The Board fully agree in the suggestion that there should be no reservation in future on æsthetic grounds; and they think that, the forest reserves which ought to be maintained for imperial purposes being settled and defined once for all, on as restricted a scale as possible, all the land on the plateau should be declared available for selection, and special report and sanction on each application thus dispensed with. As regards land on the slopes which will be required chiefly for coffee, there must be greater circumspection with reference to the effect of denudation on more important interests in the plains. The Board would retain special report as at present in these cases; but they see no reason why the necessary reference should not be made and orders passed during the currency of the period named in the advertisement; the sale being therein made contingent on the result. If regulations of this kind were introduced, applications might be disposed of within 2½ or 3 months, and the only real grievance in connection with the present system would be done away with. No less period of notice would suffice to give competition fair play.

16. As to the fixed rate of Rupees 2 for survey and demarcation expenses, the Board observe that the proposal in the report apparently is that this rate and no more or less should be levied in all cases. But in the draft rules the rate is fixed for the deposit only, and provision is made for adjustment of any excess or deficiency, when the actual cost is ascertained. There appears to be nothing gained by a fixed charge, and if this is to be the average of cost per acre hitherto incurred, it will fall unduly heavily upon applicants for large blocks, on which the acreable average cost of survey is less. The draft rule for deposit being completed at a uniform rate subject to adjustment seems unobjectionable.

17. The Board are of opinion that the limit on the size of a block to be comprised in a single application should be retained. It is true that an applicant can now apply for any number of blocks of the maximum size; but if the system of public sale by auction is to be retained, it is evident that the size of the lots must be limited. There may be many persons desirous of acquiring for plantation blocks of average or reasonable size; but whose means may not enable them to compete for two or three of such blocks in one lot. The abolition of the limit seems proposed in the interest of the land speculator; and if it be true that capitalists are beginning to look with favor on tea-planting in India, and that a demand for land is likely to arise upon the Hills, it would be unwise at the present time to afford facilities for such speculation. It is not the interest of Government to have the land on the Hills assigned away, unless it is taken up *bonâ fide* for planting purposes. The Board would provide for the reservation of land of sufficient width for a road between blocks, where it may seem advisable and the features of the country would permit the construction of a road.

18. The Board have already given their opinion as to the reservation of and mode of dealing with forest lands on the plateau and on the slopes. In the latter case, notwithstanding Mr. McIvor's opinions, they think great caution is expedient. Whatever be the effect of forest on the amount of rain precipitated, its utility in moderating the action of floods is undoubted; and no gain which could result, even were the whole of the slopes under coffee, could compensate Government and the country for injury to irrigation in the plains consequent on denudation. The Board approve the proposal that forest for 100 yards on each side of ridges and 50 yards round the sources of streams should be reserved.

19. The suggestion that seigniorage should be paid on wood removed for sale is of course bound up with the proposal that the auction system shall be abolished and no charge made for the land. If the standing timber has a value, that value will be realized for the State when the land is sold, and there should be no further charge. If after assignment of the land *gratis* for planting the State retains claim in the wood, as the Committee's proposal seems to admit, the Board do not see why the wood should be free of seigniorage when consumed by the planters, and not free when sold by him for consumption by somebody else. The charge for seigniorage would, moreover, in nine cases out of ten be successfully evaded. The same remarks apply to the proposed seigniorage on peat. The Board doubt whether it is necessary to reserve peat swamps on the Hills, or to take any measures against their drainage or removal.

20. If it be true that forest or jungle is essential to the tea planter, there is no reason to fear excessive denudation, on assignment of shola land on the plateau.

21. On the whole, it appears to the Board that the changes proposed by the Committee are dangerously in favor of land-jobbing, and that they are unnecessary. If sale by auction and the payment of a preliminary price for the land are abolished, a considerable area will probably be taken up, but in five years it will again be thrown upon the hands of Government. It is necessary to have security against this. In Travancore, not only is a preliminary charge realized at auction at an upset price of Rupees 10 per acre, but it is provided that if the land is not opened out in certain specified proportions, the assessment, which does not otherwise fall on the land for five years, shall be leviable from the beginning. Without a preliminary price, this plan would prove inoperative; for the occupier would probably clear out before the five years were over; and the demand could only be realized from the sale of the land, which of course, as long as land elsewhere could be got for the asking, would fetch nothing at all. The penalty, too, would not be realized from the person properly liable.

22. The Board do not consider that it has been shown that the present terms are at all restrictive, or that the extension of planting on the Nilgiri plateau has been retarded by the operation of the rules. The plateau is unsuited for coffee, and the possibility of profitable tea cultivation under the conditions which there exist has been demonstrated comparatively recently. The late concessions as to the postponement of the revenue demand have been very great; and as the sanction dates only from September 1871, Mr. McIvor's list of abandoned estates is to a great extent irrelevant, even if it were proved that they were abandoned owing to the weight of the assessment. The charges now made are so insignificant in comparison with the total expenses and receipts of a plantation, that it must be a very unsound enterprise which they will suffice to crush.

23. There is only one point in which the Board would recommend change. They refer to the terms on which the revenue can be redeemed, *viz.*, twenty-five years' purchase. This assumes interest at 4 per cent. only; and it is evident that capital will never be sunk at this rate. The Board think that it is desirable to encourage the redemption; and they would suggest that ten or at most fifteen years' purchase be accepted.

(True Copies and Extract.)

H Elton

Acting Secretary.

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

Copy to the Inspector of Forests.

Exd. J. W. Fischer, and J. Tulloch, and W. H. French.

22 September 1875 No 247 - Pp
28 April 1876 252 - 53

No 4079
Revenue 1875. Copies
Board of Revenue,
MADRAS.

PROCEEDINGS, 13TH OCTOBER 1875, No. 2,852.

Copy forwarded to
Collr of Coimbatore - 8 February 1876
Encl.

Received 20 October 1875

OCTOBER.
No. 2,852.

Waste lands—on the Nilgiris.—Submitting to Government Board's views with reference to question whether the system of selling — by auction might not be abolished and sale at fixed rates for different districts of the hills and for woodlands, substituted.

No 223

Existing Rules.

1. Waste Lands in which no rights of private proprietorship or occupancy exists and which may not be reserved as hereinafter provided may until further notice be sold under the following Rules.

II. Applications for land under these Rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars:—

(a) the estimated area of the land applied for

(b) the situation of the land and its boundaries as accurately

Proposed Rules.

I. Waste lands in which no admitted claims to private proprietorship or exclusive occupancy exists and which may not be specially reserved as hereinafter provided may until further notice be granted under the following Rules.

II. Applications for land under these Rules shall be addressed to the Commissioner of the Nilgiris and shall comprise the following particulars.

(a) the estimated area in acres of the land applied for

(b) the situation of the land

land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres unless otherwise specially ordered by Government within the limits of the Stations of Batacamund Coonoor and Kotergherry, the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots each not exceeding the above limits.

IV. Every lot shall be compact, and as nearly as possible a parallelogram. When the land touches any road or river the length of the road or

Omit.

III. Lots, which may be of any size, shall be compact and as nearly as possible in parallelograms. When the land touches any road or rivers the length

water frontage shall not exceed one half of the depth of the lot, and in all other cases the lots will be so laid out as far as practicable their length shall not exceed half their depth.

V. No lot shall be sold until it has been surveyed and durable boundary marks erected at the expense of the applicant.

VI. If on receipt of an application under Rule II, the Commissioner has reason to believe that the land applied for, is saleable under these Rules, he shall call upon the applicant to deposit with him the estimated cost of surveying

of the road or water frontage shall not exceed one half of the depth of the lot, and in all other cases the blocks will be laid out as far as practicable that their length shall not exceed half their depth.

IV. Every lot shall be surveyed and durable boundary marks erected at the expense of the applicant.

V. If on receipt of an application under Rule II, the Commissioner has reason to believe that no objections exist to the grant of the land, he shall call upon the applicant to deposit with him the estimated cost of survey and of marking out durable

the land and of marking it out with durable boundary marks unless the land is already Surveyed and demarcated. The Commissioner will refund to the depositor any portion of his deposit which may not be actually expended in the Survey and demarcation and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI within 6 weeks, from the date of demand, his application shall be null and void

VIII. On receipt of the deposit required under Rule

boundary marks at a uniform rate of Rupees 2 per acre. The Commissioner will refund to the depositor any portion of his deposit which may be in excess of the amount payable at the above mentioned rate by 2 Rs an acre on the result of the Survey and demarcation and the depositor shall pay any deficiency.

VI. If the applicant fails to deposit the sum required under Rule V within a month from the date of demand, his application shall be null and void.

VII. On receipt of the deposit required under

VII, the Commissioner shall as soon as possible cause the land applied for to be Surveyed and marked out and shall exclude from the lot all excess which may be found on Survey beyond the limits prescribed in Rule III and shall advertise the lot for sale on a given day, to be fixed so as to admit of the Notice required in Rule IX being given

IX. The advertisement shall be in English and in Tamil and shall specify the locality, extent and boundaries of the lot,

Rule V, the Commissioner shall as soon as possible cause the applicant to be put in possession of the land and further have it Surveyed and marked out.

VIII. A notification in English and Tamil specifying the locality, extent and boundaries of the lot shall be posted on the land, in the neigh

the aggregate annual assessment and the place time and conditions of sale It shall be posted for three clear months on the land itself as well as in the neighbouring village in the offices of the Commissioner and the Tahsildar of the Taluk and the nearest police office. A notification of the intended sale shall also be inserted in the District Gazette. The Commissioner shall at his discretion fix the time and place of sale and may alter both if necessary, provided that not less than 14 days notice be publicly given of every such alteration and that no land be sold until it has been advertised, as aforesaid, for three full months.

bouring village and in the offices of the Commissioner and his subordinates as soon as possible after an application has been received and no allotment shall be made in less than one month from the date on which such notification is posted.

X. The Commissioner shall send written notice of the place and time of sale, as also of any alterations under the provisions of Rule IX to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice or delayed in consequence of the non-appearance of the applicant.

Omit.

XI On receipt of applications for lands under these Rules, the Commissioner shall hold a preliminary enquiry and if he sees reason to

IX. On receipt of any applications for lands under these Rules the Commissioner shall hold a preliminary enquiry

believe that claims will be put forward for the lands applied for, he will duly warn the applicant that the Survey will be undertaken only at his request and at his risk. Should the applicant prefer that the Survey should be proceeded with on these terms, the same will be done, and if after the Survey it should prove that the lands are not saleable under these Rules, the applicant must pay the expense of surveying them as well as of surveying any excess beyond the limits prescribed in Rule III. If no such warning be given and the land

reason to believe that claims will be put forward for the lands applied for he will hold the application in abeyance pending the result of such enquiry and the disposal of the same in due course of law and the applicants will at once be informed of the objections & immediate disposal of his application

should eventually prove not to be saleable, then the Survey will be at the expense of Government. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI as may not be expended.

XII. On the withdrawal of an application, it shall be discretional with the Commissioner to proceed with the sale of the land or not as he considers best for the public interests

X. An applicant withdrawing his application after the deposit has been paid shall not be entitled to a refund and another applicant applying for the same land shall be liable to pay a deposit of the estimated cost of demarcation and Survey at the rate of 2 Rs per acre, notwithstanding that the Survey and

demarcation have already been performed at the Expense of a former applicant.

XIII. The upset prices shall in all cases be merely the cost of the Survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment; otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules be preferred to the land the lot shall be, as advertised

XI. Land disposed of under these Rules shall be free of assessment for the first five years after the date on which a declaration in writing is made of the grant and the land thereafter shall be subject to an annual

be put up to auction and sold to the highest bidder above the upset price, subject to an annual assessment, payable on or before the 30th. June of each and every year, of 3 Rupees for each acre of Forest land and 1/2 Rupee for each acre of land other than Forest contained in the lot.

XV. The Successful bidder shall, immediately on the sale being declared, pay down 10 per cent of the price. The residue of the purchase money may at the option of the purchaser be paid in full within thirty days; or in three yearly instalments of equal amount, bearing interest from the day of

assessment payable on or before the 30th June of each and every year at the rate of 2 Rupees for each acre of forest land and 1/2 Rupee per each acre of grass land actually brought under cultivation.

XII. The grantee shall as soon after possession is given as possible be furnished with a Title deed in the form annexed to these Rules.

36

Sale at the rate of 6 per cent per annum. In the former case, on payment of the residue of the purchase money, a deed in the form X annexed to these Rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due and on default of any such payment the Government shall cause the purchaser to be served with a notice intimating that after the expiration of 30 days from date of service, the Government will either resume possession or cause the land to be sold at the risk of the defaulting purchaser and if payment of the arrears be not made within the prescribed period of grace, steps shall at once be taken either for the resumption or resale of the land. When the purchaser elects to pay the purchase money by instalments he shall not receive possession until he has duly executed the deed marked Y, annexed to these Rules when the conditions of deed Y have been duly fulfilled, a deed in the form X will be issued in lieu of it.

XVI. The Sale shall be conducted under and subject to the following conditions of Sale

(1) That the highest bidder above the upset price shall be the purchaser of the premises and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2). That immediately after the lot is knocked down, the purchaser thereof shall pay to the Commissioner a deposit of 10 Rupees per centum, in part of his purchase money,

XIII. The first applicant shall be the grantee. When there are two or more simultaneous applicants for the the same land the Commissioner shall exercise his discretion in making the allotment and his decision shall be accepted by the applicants subject however to appeal to the Board of Revenue and Government.

and intimate to the Commissioner whether he elects to pay the residue within thirty days or by three yearly instalments as provided by the Rules passed by the Honorable the Governor in Council under date the Sixth day of March 1863, No 498 A and shall at the same time sign an acknowledgment in one of the forms (I or II, as the case may require) annexed to the said Rules.

(3) That if the purchaser shall elect to pay the residue of his purchase money within thirty days he shall within thirty days from the day of Sale pay to the said Commissioner the

residue of his purchase money and shall thereupon receive a conveyance of the premises in the form marked IX annexed to the said Rules.

(4) That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a deed in the form marked X annexed to the said Rules.

(5) That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and exact description of the property, and the measurement and boundaries of the premises previous to the sale; as by

XIV That a grantee under these Rules shall not be at liberty to dispute the correctness of the Survey after it has been completed on any grounds whatsoever as by accepting the declaration of grant he shall be

having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property

(6) That if the purchaser elects to pay within thirty days and if from any cause whatever the purchase shall not be completed by the thirtieth day from the day of sale or if the purchaser shall elect to pay by instalments and shall neglect for ten

considered to have waived all objections in the description of the premises or other error in the particulars of the property, as finally exhibited in the map.

days from the day of Sale to execute a deed in the form marked X annexed to the said Rules, then the purchaser shall pay to the Commissioner interest at the rate of 12 Rupees per cent per annum on the remainder of his purchase money from the day of Sale until the purchase shall be completed in the one case; or until a deed in the form X be executed in the other case; without prejudice nevertheless to the right of resale reserved by the Seventh condition.

(4). That if the purchaser shall neglect or refuse to comply with the above conditions or any part of them; his deposit money shall be forfeited and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private Contract without the necessity of previously tendering a Conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all Expenses attending it, shall be made good by the purchaser at the former Sale, who shall be neglect or refuse so and for liquidated damages."

XVII If before the time of Sale a Claim of

private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these Rules shall be preferred to the land or any part of it, the Commissioner shall postpone the sale of the land until such claim shall be disposed of in due course of Law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like and of land required for other special purposes are not to be sold under these Rules without the express sanction of the Government. A applicants at such times at the Registrar of such reserves and under such Rules as will be maintained in the the Commissioner may Commissioner's Office and prescribe by notification will be open to inspection in the Local gazette. by intending applicants

XV. Existing Reserves are not to be granted under these Rules without the express sanction of the Government. A map of such reserves will be prepared and maintained in the Commissioner's Office and will be open to inspection by intending applicants at such times and under such Rules as the Commissioner may prescribe by Notification in the District Gazette.

XVI. Grants of forest land under these Rules shall be liable to the reservation of a radius of 50 yards of wood round the sources of streams and a band of 100 yards on either side of ridges clothed with forest.

XIX. The annual assessment on lands sold under these Rules may at any time be redeemed by the owner by payment of a sum equal to 25 times the said annual assessment and the lands so redeemed

XVII. Land granted under these Rules may at any time be redeemed by the owner on payment of a sum equal to 25 times the Land Revenue payable on the assessable area.

shall thereafter be for ever free from all demand on the part of the State on account of Land Revenue. On payment of the redemption money the owner of the land shall be furnished with a Deed in the form B annexed to these Rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are, or may be recoverable by the Law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these Rules

in the grant and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of Land Revenue. On payment of the redemption money the owner of the land shall be furnished with a Deed in the form * annexed to these Rules.

XVIII. Arrears of annual assessment shall be recoverable in the same manner as arrears of Ryotwary Land Revenue are or may be recoverable by the Law for the time being in force in the Madras Presidency.

XIX. Lands granted or redeemed under these Rules

shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors and of the public in existing roads and paths and in streams running through or bounding lands sold under these Rules are reserved and in no way affected by the sale of such lands under these Rules.

XXIII. Nothing contained in these Rules shall be held to debar the Government from granting waste land Settlements of Cotacamund or Puttah, Cowle or otherwise however and to Coimbatore at their discretion as heretofore or to the Wellington

shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XX. The existing and customary rights of Government, of other proprietors and of the public in existing roads and paths and in streams running through or bounding lands granted under these Rules are reserved and in no way affected by the grants of such lands under these Rules.

XXI. These Rules do not affect the rights of Government within the limits of the

Contonment as determined by the present Survey.

XXII. All timber or firewood from natural wood cut on land granted under these Rules removed for sale shall be charged the usual rates of Seignorage payable on similar timber or firewood removed from forests under Conservancy and shall be removed only under a forest pass. Similarly Seignorage will be charged on peat removed from the land and sold.

XXIII. Nothing contained in these Rules shall be held to debar the Government from granting waste land on terms other than those prescribed in these Rules or at their discretion.

H. Colvile
Comm.

D. Monro Lt Colonel
D.S.N. For
Supt. Govt. China Pkt.

Hamilton Walker Capt.
H.M. Insp. of Mines

Wm. Cotton Rohde
Planter

Edmund F. C. Mall
Tea Planter.

Govt 3538/1625

Government Gardens
Ootacamund 27th August 1875

Minute by Mr. McIvor

I have signed the above report as it suggests useful modifications of the restrictive land rules now in force. On some points however, I believe it necessary to go a step further, in order to secure the prosperity of this district.

2 The G.O. of 28th August 1874 evinces an earnest desire to deal with an admitted evil. To enable the Government to do this effectually, it is necessary fairly to state facts and results. Here land owners are as a rule anxious to sell their property. They believe if the acquisition of Government waste is permitted on fair terms it will depreciate the value of present holdings, increase the rates of labor, and thus act prejudicially to their interests; overlooking that increased prosperity will attract both labor and capital, and enhance the value of land now under cultivation. I call attention to this fact as after discussion it has been found necessary to draft and redraft

redraft our report, each draft being more liberal than the preceeding one.

3 At para 3 of the order above noted Government "sees no reason to modify the existing "rates of assessment, viz. 2 Rs an acre for forest "land, and 8 As for grass land. Both rates "are moderate and would prove an almost "inappreciable tax on a fairly productive "Estate when once in full bearing," and at para 4 observe," the burden however, is not "intended to descend until the Estate is in "full bearing". True, calculations may show an annual tax of 2 Rs an acre on forest land as "almost inappreciable". The success of the cultivator however, does not depend on calculations, but on stern realities. This assessment of 2 Rs an acre annually for waste land redeemable at 25 years purchase or 5 £ per acre in fee simple (exclusive of cost of survey and demarcation) is twenty times the prevailing rate imposed on waste land in all parts of the world, and in this Presidency also; the Nilgherry & Shevaray Hills, forming I believe, the only exceptions.

It is in fact a tax which history shows has not been attempted to be raised in any part of India by the most exacting Native Princes, on "dry cultivation", (a term which applies to all cultivation in this district) even in the densest populated parts of the Presidency, and on land which has been for ages under cultivation. It is a rate also, applied only to districts where Europeans have shown a desire to take up waste land. At the present time the ordinary rates paid hereby Native land holders ranges from 2 As to 10 As per acre. The rates paid on land held by Europeans range from 8 As to 2 Rs per acre.

4 Facts are not wanting to establish that an annual tax of 2 Rs per acre is a rate the land cannot bear. That it has failed in its application to this district is but too well established. During the incumbency of the late Commissioner of from 1869 to 1872 three hundred and sixty six acres[x] of waste land was granted. While in the same period the land relinquished by European cultivators alone exceeded

[x] See list appended A

exceeded four thousand acres, and by Natives about five thousand acres, or say in round numbers nine thousand acres were relinquished to three hundred and sixty six acres granted. At that time it was felt that relief must be given or the district would become an unproductive waste, consequently the assessment was remitted for the first five years of occupation. This stayed the abandonment of cultivation for the time, but these five years have now elapsed, and as the total profit to cultivators on much of the land occupied is under 2 Rs an acere; if this assessment is enforced, more land must yet be relinquished, as cultivators cannot be expected to employ their capital and labor on unprofitable cultivation.

5 In order to understand how heavy this assessment becomes it is necessary to take into consideration, that the land on the plateau of the Nilgiris is very unequal in quality and exposure. That in holdings of any extent, for every acre of land that is capable of profitable cultivation, there are from 6 to

12

12 acres of land incapable of yielding profitable crops. The assessment is charged on the whole extent of land granted, this brings up the tax per acre on the productive land to from 14 to 26 Rs annually. As an example of this I refer to Deva Shola. Here a tract of the finest forest land on the plateau was carefully planted throughout. The exposed, or wind blown parts, being planted several times over. Ten years experience shows, that in this fine tract of land, there is not one tenth of the entire holding capable of profitable cultivation. On the Ossington Chinchona Plantations in January 1874, upwards of 30,000 fine Chinchona trees were killed down to the ground by frost. The Cyclone of May of the same year so damaged these plantations that they will take years to recover. The frost of last winter did more damage than in 1874. Such are some of the realities which generally do not form a part of calculations, but make the difference between profit and loss. A difference on which the existence of cultivation must depend.

6 The tax falls after 5 years, not after the land is in full bearing. The only profitable crops that can be cultivated here do not come into full bearing until from 8 to 15 years from the date of planting. On the plateau, Tea and Coffee come into full bearing at from 8 to 10 years; Chinchona into bearing at from 10 to 15 years. It takes at least, 3 or 4 years to form and plant out an Estate of from two to three hundred acres, consequently, as the assessment falls five years from the first day the land is granted, it will be seen that the planter pays a heavy tax long before he can realize any profit. If the Govt. granted to the planter what was otherwise valuable, there would be some reason for this course being adopted, but when it is considered, that waste land on the plateau of the Nilgiris cannot be used by Govt. That it has not from time immemorial, and cannot for all time to come, yield a rupee of Revenue to Govt. until brought into productiveness by the labor and capital of the planter, a liberal policy might have been applied, as it could not

not cause loss to Govt. It is not to the interest of the State; it is not to the interests of the subject, to apply rules which must keep the cultivator in perpetual poverty, by taking from him in the shape of tax, the money he is in every other Province, or Country, allowed to put into the soil to develope its productiveness. This policy I submit shuts up the source of wealth, and impoverishes alike Govt. and the community.

7 If this district is to be prosperous land should be sold in fee simple at 5/ per acre, or, if this is not done, it should be given for 20 or 25 years free, and no assessment over one Rupee per acre should be fixed on any land. Had this been done 40 years ago I hesitate not to say, that we would now have had a prosperous district, a wealthy population, and a greatly increased Govt. Revenue.

8 The value of property here has been for many years decreasing. Estates have as a rule passed out of the hands of original proprietors, at prices varying from one third, to one sixth of the actual cost.

The

The fact of men who had labored for years in forming plantations, being content to submit to such a sacrifice in disposing of their property, indicates that their experience had produced a deep seated conviction of the unprofitableness of the undertaking.

¶ Rule XVI reserves a radius of 50 yards of wood around the source of springs and streams. This will cut up holdings, and cause great inconvenience, as it is difficult to find a natural forest on the Nilgiris of even an acre in extent in which one or more springs does not arise. This reservation is suggested in accordance with the theory promulgated by Mr. Marsh in his work on "Man and Nature" published in 1864, where it is endeavoured to be shown that the presence of forest adds to the flow of water in springs and streams. In common with all authority Mr. Marsh recognizes a tree to be a moisture consuming, and a moisture dissipating organism. At Page 169 to 172; he shows that the quantity of moisture extracted from the earth by only 50 trees to an acre is measured by thousands of gallons. Mr. Marsh brings forward so many well known facts to illustrate the enormous quantity of water extracted from the soil by living trees, that they force on every reflecting mind the necessity of discrediting his conclusions. Had Mr. Marsh told us that a fine city had been formed by a great conflagration, we would of necessity disbelieve the statement, because we know that fire does not create, but that it consumes and dissipates building material, much in the same way as a tree consumes and dissipates moisture.

10 In this district I have seen streams, and springs, completely dried up by planting trees near their source and on the water shed. Take for example the stream which flowed 20 years ago in the Gullah on the East of Woodside, and the stream in the Gullah to the East of the Club. I found by accurate measurement extending over some years, both before and after the forest on the Essington Estate was felled that the flow of water in the stream arising from this forest increased three fold after the

forest

forest was felled, and these observations were made in connection with the careful records of the rainfall. It is now some years since trees have been extensively planted in Europe and Africa with marked success, for the express purpose of drying up swampy lands. Mr. Marsh explains why this is so at page 169, in the words, "the amount of sap which "can be withdrawn from living trees "furnishes, not indeed a measure of the "quantity of water sucked up by their "roots, from the ground, for we cannot "extract from a tree its whole moisture, "but numerical data which may aid "the imagination to form a general "notion of the powerful action of the "forest as an absorbent of humidity "from the earth". Thus every known fact clearly indicates that trees dry up, instead of adding to the flow of water in springs and streams.

11 The results recorded by Mr. Marsh occur in Northern latitudes, where trees draw much less moisture from the soil than they do on the Kilgiris. In this district trees are ever green, and the

the foliage exposed for upwards of 9 months in the year to an unclouded, and almost vertical sun. The quantity of water drawn from the earth by our forest is therefore, probably three times greater than by forests in Northern latitudes. It is well known that during sunshine the point of every rootlet of a tree is continuously acting as a pump, which intercepts the water in its flow to the streams, throws it up to the leaves, where it is evaporated into the atmosphere. These pumps do not only exhaust the moisture from the surface, but as the roots penetrate deep into the sub soil, they effectually exhaust the moisture to a considerable depth below the surface.

12 It is frequently asserted that forests produce moisture. No doubt forests are generally moist, but it seems to be overlooked that this moisture produced the forest. I have named streams that have been completely dried up by planting trees; I have also observed trees spring up along the banks of an artificial water channel which Mr. Lascelles turned along a bare hill in 1864 from the stream near the Hosliend Village

village to irrigate the Hookland Coffee Estate.

13 It is admitted that a tree is mainly built up of moisture. That only by consuming and dissipating moisture is it able to select and place in chemical combination the whole of the elements of which its structure is built up. A glance at the primary conditions is on this point, I conceive conclusive. It shews to a certainty that every locality where forest is now found, must have been more uniformly moist prior to the existence of the forest, than was necessarily the case after the forest became established, because, more uniform moisture is necessary to support the life of a young seedling, than is necessary to support an established tree.

14 These observations are intended to show the common belief that trees add to the flow of water in springs and streams to be a fallacy, which cannot be sustained, by fact, theory, or hypothesis. Even the advocates of this idea admit it to be but an ill defined theory. Under these circumstances I believe it to be undesirable that in dealing with our waste lands, we should consign the richest portions to

to perpetual unproductiveness, or in other words, to grasp at a shadow, while we drop the substance.

W. M. Webb

Supt. Govt. Chinc. Plantns

A

Lands acquired under Waste land Rules for Agriculture and other purposes

Date	Acres acquired	Remarks
24th August 1868	1. 90	
29th January 1869	3. 00	
6th September "	58. 64	
11th April 1870	62. 19	
16th May "	3. 09	
13th July "	8. 94	
12th September "	37. 03	
10th November "	72. 25	
19th January 1871	6. 35	
16th March "	19. 79	
27th April "	3. 75	
1st June "	27. 34	
20th July "	6. 47	
17th August "	0. 06	
9th November "	0. 10	
29th Do "	3. 73	
14th December "	6. 32	
25th January 1872	44. 38	
27th March "	1. 49	
Total Acres	366. 82	

Government Gardens
Potacammund 27th Augt
1875.

Asst. Govt. Chief Planter

Land relinquished by European holders during the incumbency of of the late J. W. Brooks Esq. Commissioner of the Neilgherries

	Acres relinquished	Remarks
Capt. Richardson & Short	747	
Westbury	178	
Orange Valley	1120	
Prospect	400	
Chengal and Roonal	206	
Neralay, Mr. Herelots	396	
Commander Mitchison	436	
Northernhay & Leighwood	1109	
Messrs Vertue and Minchin	661	
Mr. Grimes Yollamullay	29	
Kodanaud, Mr. Brown	232	
Colt. Dobbee	14	
Major C. P. Taylor	26	
Coll. Cooper	71	
Captn. Daily	8	
J. Crichterlony Esq	14	
Coll. Walker	14	
Glencairn	489	
Mr. Ettienne	264	
Mr. J. Warburton	187	
Vellore Bhemasing	17	
Brooklands	170	
Total Acres	6,788	

Government Gardens
Ootacamund 27th Augt
1875

Supt. Govt. Chinc. Plantns

Report of the Commission appointed under Government Order No 1102 dated 28th August 1874 to consider the Expediency of a change in the present Rules for the Sale of waste Lands on the Nilgiris.

Government Order, Revenue Department, dated 28th August 1874 No 1102

Report on the Sale of waste Lands on the Nilgiri Hills and desires that Mr Mc Ivor, General Morgan and any other gentlemen well acquainted with the Condition of land in the District be associated with the Commissioner in the enquiry.

2. We have the honor to submit the following remarks on the Subject.

3. The questions referred for our Consideration

Rev 2/353
GO 18 February 76
Rs 240

considerations are:—

(a) Whether it may be possible to abrogate the system of auction beyond say 3 to 5 miles round the Hill Stations and in lieu thereof to charge a very moderate upset price which might be fixed at different rates for different districts of the Hills for all comers subject to the assessment and stipulations intended to secure the bona fides of the purchasers.

(b) Whether woodlands should be subjected to a special rate and valuation with reference to standing timber.

4. The "Revised Manual" as it was called from being a revision of a set of rules submitted to the Government by the Board of Revenue for the sale of Waste lands on the Nilgiri Hills, was the first set of Rules on the subject of the alienation of land. The Manual came into force in 1849. The provisions of the manual were:—

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1. That no land was to be sold without the consent of the Board of Revenue.

2. That land was to be sold by auction at an upset price of 8 to 10 times the assessment on similar land in the nearest village.

3. That the price obtained was to be in addition to the annual assessment.

4. That the fee simple of the land was in no case to be sold.

5. That land for agricultural purposes was to be sold by auction on lease for 30 years, for building sites, on lease for 99 years.

6. That land purchased for agriculture was liable to reassessment at the end of 30 years.

7. That building lots were not liable

liable to reassessment and the leases were renewable every 33 years at the option of the lessee.

8. That purchasers of land for agricultural purposes were to satisfy the collector that they possessed means to cultivate.

9. That land purchased for agriculture was to be brought into cultivation in "certain specified proportions" on pain of forfeiture.

10. That purchasers might only sell such part of the land acquired as was under cultivation.

11. That they were to allow rights of way to adjoining properties without compensation but were to receive compensation for land taken up for public roads.

12. That rights in streams, springs and minerals were reserved

13. That power was reserved to Government, notwithstanding the Rules, to grant land in exceptional cases on any terms deemed expedient.

5. The "Revised Manual" remained in force until 1859, when a fresh manual was issued.

6. The provisions of this Manual differed from the provisions of the prior in the following respects:-

1. No upset price was fixed for land sold for agriculture. The land was to be sold by auction "subject to an annual assessment of one Rupee per acre redeemable at 20 years purchase".

2. Building sites were to be sold at auction at an upset price of two Rupees per acre, on freehold tenure.

7. The new Manual was superseded

in

in 1868 by the "Waste Land Rules" which are the Rules still in force. Under these Rules:—

1. Reserves are made

2. No unreserved lot within the Stations can exceed 10 acres or outside them 500 acres but each person may apply for several contiguous plots of the stated dimensions.

3. Auctions are maintained, the upset price being the cost of demarcation and Survey. The land is to bear an annual assessment of Rupees 2 per acre for Shalab and one Rupee per acre for grass.

4. The assessment is redeemable at 30 years purchase.

8. The Waste Land Rules are less liberal than the Rules of 1849 in the following points.

1. They fix the assessment on Forest at 2 Rupees per acre, and on grass at One Rupee per acre. The Rules of 1849 made the assessment the rate on similar land in the nearest village and this for grass land was never more than 4 annas per acre. No Shalab land was allowed to be cultivated in villages.

9 On the other hand the Waste Land Rules abolished numerous restrictions imposed by the Rules of 1849. They abrogated the Rules

1. That the upset price was to be 8 times the assessment

2 That no title in fee simple could be given.

3. That enquiries were to be made regarding the pecuniary means of the purchasers.

4 That land purchased was to be cultivated in certain proportions.

10. The Waste Land Rules raised the assessment

assessment fixed by the Rules of 1859 from a common rate of one Rupee & Rupees 2 per acre for Sholah and one Rupee per acre for grass, but they reduced the rate on building lots which under the Rules in question was Rupees 2 per acre to the agricultural rate.

11. Government Order No 1656 of 22nd September 1871 modified the Waste Land Rules by a reduction of the rate on grass from one Rupee & 8 annas per acre and by the remission of the assessment on Woodlands for the first five years succeeding purchase. These modifications had retrospective effect.

12. The Government Order under reply makes a further modification. It directs that grass land like Sholah lands shall only come under assessment after 5 years.

13. The present position of unreserved land is that it is sold at auction at the upset

57 57

upset price of demarcation and Survey and both Sholah and grass are free for five years, when an assessment of 2 Rupees per acre falls on the former and 8 annas per acre on grass land and that proprietors can redeem at 25 years purchase.

14. The Nilgiri District contains in round numbers, exclusive of the Cuchterlony valley, 500,000 acres of land. Thirty three thousand acres of this area are under cultivation by the Hill tribes.

15. Prior to the publication of the Rules of 1849, there were no plantations on the Hills. One Coffee plantation was open in the Cuchterlony valley.

16. Under the Rules of 1849, four thousand eight hundred acres of land were acquired by planters.

17. Under the Rules of 1859, seven thousand

acres

acres were purchased, out of which upwards of 1800 acres were afterwards abandoned, leaving a net appropriation under these Rules of 5,200 acres

18. Under the Waste Land Rules of 1863 the sales of land have been 13,000 acres of which 3,000 acres have been thrown up. An increased demand for land has recently arisen. 10,000

19. On the Nilgiri Hills Rupees there are therefore at present 10,000 acres in the hands of planters. These figures do not include 1000 acres under Cinchona, the property of Government and 1000 acres of Government Eucalyptus plantations. In the Anaikatty valley about 5,000 acres of land are under coffee, tea and Cinchona.

20. Most of the land owned by planters has been sold at the upset price. The important exceptions are the following:—

1. Government Order, Revenue department, 22nd November 1869, N° 2490, two hundred acres of land in Shengal valley were run up to 8,400 Rupees. The opposing bidders were natives, under the erroneous impression that the applicant and purchaser had already planted up 20 to 30 acres of the land with coffee.

2. Proceedings of the Board of Revenue dated 22nd December 1868. Two blocks of land in the Orange valley were bid up to 7,500 Rupees by a native. The land turned out worthless and was never cultivated.

3. Government Order 3rd June 1869, Revenue department, N° 1792. Three hundred acres of land were run up to 2,200 Rupees by natives. The land turned out worthless and was abandoned.

4. On the 29th April 1864 at a sale of 186 acres of land beyond Kotagherry native

Competitors

competitors ran up the price to 1,442 Rupees.

5. In June 1864, Forty two acres of land adjoining Runnymede Estate in the Lopoo Chaut were run up to 1310 Rupees. The competition resulted from a misunderstanding between certain planters on the Chaut. The land has been incorporated with Runnymede.

6. At the same sale, owing to the same cause, in the same locality 12½ acres of land fetched Rupees 600.

7. In July 1864, Thirty three acres of land adjoining the Hill grove Estate in the Lopoo Chaut fetched 919 Rupees from the owner of the Estate. The adverse bidding was by a native.

8. In October 1870, Sixty five acres of land at Billiouk were bid up by natives to 2,225 Rupees.

9. In February 1874, one hundred

and

and thirteen acres of land applied for and purchased by the owner of the Applicant property fetched Rupees 3601. The adverse bidder was a native.

10. On the same date, 45 acres of land at Thaymullay were bid up to 25,116 Rupees. There was nothing in the quality or situation of this land to make it specially valuable. The competition in the first instance was between the applicant and planters in the vicinity of the land, who wished to keep out neighbours. Finally the land was knocked down to a native.

21. The above history of the Rules that have been successively introduced, and their effect, shows that the demand for land has augmented in proportion to the liberality shown by the Government and this, in our opinion, is a fact that

should

should be kept prominently in view. Land on the Nilgiris is poor and requires skilled culture to make it pay. Unless inducements are offered to Planters to settle, it cannot be expected that any very rapid extension of cultivation over the large area unemployed will take place. Mr. Robertson, the Superintendent of the Government Farm at Seydapett, writes in his Report upon the Nilgiris dated 1865 at page 21 "Under all the Circumstances I do not think it would be safe to quote the average profit derived from an Coffee Estate when in full bearing at more than 15 per cent on the Capital employed and this is not much being how insecure that Capital is. Capital sunk in a farm in England would produce 7½ per cent profit and as before pointed out the British farmer has many advantages that the Coffee planter does not possess"

Cultivation

I hold this to be words misplaced and against the nature of the Soil high-forms in this province

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Cultivation by the Native tribes is not likely to increase because the native inhabitants find they can obtain a better livelihood by working on Estates than by carrying on the indigenous system of cultivation and that it is decreasing. There has been a falling off of 3000 acres in the last seven years in the forward figures being 33,000 acres against 36,000 acres under the plough in 1866. Government therefore, of bringing the Waste under occupation is to afford assistance to planters and to effect this end it is necessary that every reasonable encouragement should be offered. Sir Courtney of State wrote in his despatch to the Supreme Government dated 3rd July 1862 on the waste Land Rules of 1862 at para 24, "3rd July admits the advantages

advantages which have arisen and which in future are likely to arise from the Settlement of Europeans in many parts of India by the introduction of new or improved processes of agriculture and manufacture and by the moral influence of their example on the neighbouring population and I am most anxious that every facility should be given to persons desirous of settling in India with that object in view." It must be remembered that Planters not only sink Capital but bring to cultivating processes an energy not found amongst the natives. The latter merely scratch the surface of the ground and take the crops the land spontaneously yields. Their System is exhausting and long periods of fallow are necessary. An acre of land held by a Native probably yields him 20 Rupees a year net

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net, while it is under crops. The Planter on the other hand fosters the productive powers of his land with manure & his opened land never lies fallow and he is obliged to spend on it 100 Rupees per acre per annum & so make it yield the increase that pays him for putting it under the plough. Moreover he is compelled to do what the Native is not. Having embarked his whole fortune in the land he cannot throw up his plantation. The Native can migrate at any moment & throw up his holding well aware that early labor will give him a better and more certain livelihood than his land. The Native interests Connected with land require no encouragement. On the other hand the State reaps a permanent advantage in assisting the Planters and affording

offering inducements to him to settle. Hitherto the Planter has not been encouraged. Notwithstanding his value to the State, he has been required to pay for land very much more than the Native. The Survey of the Pekenad Division has lately been completed and the result discloses the fact that in that District, the Native cultivator holds four times the area he has been paying for. But the Planter has been charged for every acre of his holding. There is another consideration favouring liberality. The land on the Hills is "dry land" and such land in the plains pays an assessment of from 2 Annas to a Rupee per acre, against two Rupees for forest and one Rupee for grass hitherto paid here. Irrigated land below pays a high assessment but this is for the water supplied from works which cost the State large

Cargo Lugns & money to keep up. The Planter in fact has been charged much higher than the Native.

22. It is well here to state what the Existing burdens on lands are the Nilgiris are, as compared with the burdens imposed on Waste Lands occupied by planters in the North of India, in Ceylon and in the Anamalays. It will appear that the Nilgiris are the most encumbered of all. By Lord Canning's Rules, waste made allottable in fee simple to planters at Rs 2/8 per acre including all charges. The Madras Government proposed, to these Rules to be applied to the Nilgiris and the Waste Land Rules of 1863 were substituted. In Wynaad all the available land is under occupation. The area is 20,000 acres. Land is held under renewable lease for 60 years and bears an assessment of

of 6 annas per acre. Part is freehold purchased at an upset price of Rs 2·8·0 per acre. Four millions of pounds of tea were exported from Bangalore last year. Tea planting commenced in 1856. In Ceylon the Government Surveyors select blocks of Forest land and these blocks are exposed for sale in fee simple at stated prices at an upset price of 10 Rupees per acre. Until lately the upset price was Rupees 5·8·0 per acre. The Government reserves to itself the right of making and constructing such roads &c. as may be necessary for Public purposes, in all lands sold." In the Anamalays, we believe, the Government sells land freehold at Rupees 5 per acre for Forest and Rupees 2·8·0 per acre for open lands, the cost of demarcation and Survey being an additional charge.

Rs.

On the Wilgiris land is sold at the upset price of the demarcation and Survey and in the Coorg upset after purchase an assessment of 2 Rupees per acre falls on the Forest and of 8 annas per acre on grass and the redemption of the land is fixed at 25 years purchase or at 50 Rupees per acre for Shola and 12½ Rs per acre for grass. Thus the upset price of freehold in the Nilgiris of India is 8 Shillings per acre, in Ceylon 20 Shillings per acre and on the Anamalays 10 Shillings per acre, whereas the upset price of land on the same tenure on the Nilgiris is 100 Shillings per acre plus the cost of demarcation and Survey which may be taken on large blocks at 2 Shillings per acre. The freehold price in Wynaad, where the Nilgiri Rules

Rates are in force, is the same, but land held there from Native Rajahs only pays assessment on that part of the holding which may be cultivated and the tax falls in the third year of cultivation. Private land in the Wynaad is therefore held on easier terms than Government land.

22. The result of the liberal land policy in the South of India is that the tea industry which hardly had existence 20 years ago, is very important, about 20,000,000 lbs of tea being exported annually from Calcutta. And the result of a liberal policy in Ceylon is that within the same period the Revenue has risen to nearly 600,000 £ and the Seaborne trade chiefly in connection with the Coffee interest is 10,000,000 Sterling per annum. During this period the Religious including the

Ouchterlony

Ouchterlony valley have developed an acreage of plantation aggregating only 25,000 acres, the annual outturn of which may be assumed to be at 10 £ per acre net - a quarter of a million of money, though actually it must be more than three times the amount as in good years 2,000 tons of Coffee are raised in the Ouchterlony valley alone. We cannot but attribute the slow progress to the obstacles placed on the acquisition of land and the burdens laid on it, for there are indications that tea will pay on the plateau and Coffee does pay on the hills where that Commodity is produced. It has been urged that tea will not pay and that Experiments in tea planting have invariably ended on the Hills in loss. We can give no reliable information on the Subject but we do not think that.

that any doubt as to the soundness of tea planting as an industry is shown by the Public because application for land are more numerous than hitherto and at all events we remark that it is cost for Government to make enquiries about the prospects of the enterprise but honest on as liberal terms as possible applications for land to carry it on.

24 Another reason for slow progress in the Hills may be traced to the fact that Government has paid little attention to the wants of planters as regards communications. The Pagnon, Seegoor and Coodaloor Ghauts may be considered as Imperial works opening up access to the Hills and constructed in the interests of Government and of visitors. The money actually spent on roads made to develope planting in the

last

last four years aggregates a sum of 15000 Rupees, of which 5,000 Rupees were laid out in the construction of the Kotagherry Ghaut. The whole sum spent on roads in this period on the Hills has been 25,000 Rupees. Had the Kotagherry Ghaut not been cut the annual Expenditure out of the yearly Income ——— devoted to roads on the Hills applied to the development of the planting interest would have been short of 11,000 Rupees. Previously much less was spent on Planters Roads. We annex a list of the roads opened in the planting interest in the period specified with the —— outlay on them.

1. Road from Gellamalley Cantonment to the Kantorey Road Junction with Sholur and Dewa Sholah Rs 4,000
2. Road from Dewa Sholah to Konoor via Kantorey Rs 2,400
3. Sispara Bunamah Road. Rs 5,200.

25. It is abundantly clear from these facts that lands have been offered to planters at very high rates and that the Government has afforded insignificant assistance to planters in the matter of roads. What sums have been spent on communications in the North Western Province, we do not know. Lessons and Laghan however are intersected with rivers and most of the estates have water carriage within easy distance. Communication between the country by means of roads and railroads and to enable the planting interest paramount.

26. The above remarks indicate some of the difficulties with which planters in the Straits have had to contend as compared with the planters in the North of India and in Ceylon. There are others not less important. The least obstacle a planter meets

meets in the Straits is delay in the acquisition of land. The Crown Land Ordinance is as follows. The applicant addresses the Commissioner who calls for a report of the Collector. When this report is received the Commissioner asks the opinion of the District Court Officer and finally sends the Report to the Board of Crown Lands through the Secretary of State who after six months. The Board records before the Government. If the application is sanctioned the land is advertised for sale by auction three months after date. This procedure refers to Forest. If the land is grass the Commissioner can advertise it for sale at three months date without any reference. The applicant is fortunate if under such a Legislative land, which is the best land and is the only

only land adapted for coffee at all events is sold within 6 months from the date of application. The planter meanwhile is dissipating his means in mere living. He is in fact Squandering means and energy which, it would be to the advantage of the State, should be applied to the Soil. It cannot be good policy to deprive Settlers at the outset of their enterprise of part of the Capital with which they will be forearmed Carrying it to a successful result. If a planter with means only adequate to the operations he purposes is deprived of part of his means, the operations have a diminished chance of success and the planter has less chance of becoming a good tenant to the Government than would be the case if his resources were unimpaired and

and applied to the purposes originally intended.

27. There are further objections. Enough authority connected with the allotment of land I believe himself bound to consider not only whether the forest is likely to affect the rainfall and flow of water in the streams, but whether it is picturesque and should on that account be preserved as an attraction to visitors. Aesthetic considerations are important points which of Sparing and both the planter and the interests of the State suffer. We venture to suggest that the distance and that the practical element should have entered into the question of the allotment of lands. If the Government lands purposed to preserve forest tracts on account of the Scenery, we think it should hold itself the proprietor and the Nilgiris

District

District be credited with the assessment at the rate demanded under the foregoing Rules from private proprietors. Otherwise no accurate impression of the progress of the District can be formed. To refuse such land to plantation and to retain the forest in order to attract visitors is pro tanto to prevent the development of the adjoining Reserves. It is also to run counter to the expressed wishes of the Secretary of State that every facility should be afforded to plantations. No doubt it is important to maintain the wants of visitors, as the Hills are in a measure benefitted by their presence; but the question is whether the preservation of picturesque forests attracts them or whether they do not come up merely for the climate. We incline to the latter opinion. We think the preservation of the

the forests in the settlements which are jealously conserved sufficient for the æsthetic requirements of visitors.

28. In connection with this part of the subject it may be well to remark that the intervention of the Board of Revenue and of Government in the settlement of land contests no object, because these arbitrations are practically guided by the opinion of the local officers. References to them seem merely to entail delay and to be unproductive of any good whatsoever.

29. We revert to the text of the Government Order under report which it is possible to abrogate the system of auction. In the history given above it has been shown that the gain accruing to the Government by the auction system has been insignificant and

and the competition arising is competition the Government would not probably think it convenient to encourage. With regard to the first point the figures speak for themselves. With the exception of the last illustration quoted, which was of peculiar character from special circumstances the prices obtained and the net gain accruing have been small — when it is considered that in all cases pieces of land have been sold by auction. With regards to the competition arising it is apparent that competition did or, if planters have misunderstanding amongst themselves, if they have a misunderstanding with natives, and parties of natives become impressed with the idea that the lands put up for sale is of an exceptionally good kind. In this latter case what happens is that

that the native takes advantage of the fact and expense incurred by the European applicant in choosing the land & requires what he himself would not have undergone the trouble and would not have had the experience to select. The native afterwards the land which engaged in choosing the land and tries to prevent from the applicant the results. The consequence is discouraging to the planter who cannot understand why he should be compelled to expose the fruits of his knowledge to the competition of speculators. Before that such competition is entering more than the fruits of the knowledge, of which the Government takes advantage. If the Government selected lands in different

different

different, but under the existing System the Government, as it were, makes use of the Applicant and makes him pay the value of his knowledge. It procures Service without payment.

30. We think the Government will not desire to perpetuate any one of the causes of competition we have mentioned. And that as the auction System has the disadvantages enumerated and as there is a large area of land on the Hills unoccupied we cannot discern

in

in it countervailing considerations.

31. The Government wish for an opinion whether in lieu of auction a moderate upset price at different rates for different districts should be charged. We have already recorded our views regarding the poverty of the Hill Coiks. What is wanted is inducement to the planter to settle which means offering them land at as cheap a rate as possible. The purpose to charge even the cost of demarcation and survey at a fixed rate to be noticed and survey at a fixed rate to be noticed further on.

32. We may state here that we have considered the question of introducing the System Coorgs and Wynaad System of a outright sale in fee simple at an upset price for blocks selected by Government. We are averse to the System but in the localities referred to it might

forest

forest in which no selection is necessary
one block bearing the same character as
the adjoining block. In the Nilgiris it
is different. The forest is scattered and
the skill of trained planters is required
to choose the portions with the accompany-
ing open land suitable for Estate-
Government servants could not perform
the work satisfactorily. Moreover we
prefer a system which involves the
payment eventually of an assessment;
to an outright sale of land except at
a price not likely to be obtained in
the present condition of the Hills.

23. The Government enquires whether
Woodlands should be subjected to a
special rate and valuation with reference
to standing timbers. The Shola wood as
a rule is valuable for firing only. Sometimes
the better sorts of timber are found. It
seems

seems how preferable to regard wood as
valuable in so far only as it finds a sale
and we introduce a rule by which wood
thrown on the market by a proprietor
shall pay Seignorage to the Forest Dept.
In this manner the Department will
be protected and wood will not be
given away to the planter, which is
worth preserving in connection with
the Forest Revenue. The planter should
of course be allowed to fell and use
the natural wood on his holding. The
Stations will be provided with firewood
from the Sholahs within Settlement limits
and thinnings from the Government
Plantations.

34. We proceed to explain the grounds
on which the Rules we shall propose
for adoption by Government rest. The
most

most important elements in the question is the influence of Habits on rainfall. On this point the superiority of abstaining or retaining the Habits seems to rest entirely. Of felling forest diminishes the water supply of the country all forest should be preserved and planting be encouraged altogether. A member of our body believes that the denudation of Hills of forest develops a larger water supply and he will depend to this report his views on the subject. The rest of the Committee consider themselves bound without expressing an opinion to draw the attention of the Government to the published authorities on the subject. Mr. Marsh in his work on "Man & Nature" published in London in 1864 after summing up both sides of the question states at page 196 "One important conclusion at

at least upon the meteorological influence of forests is certain and undisputed - the proposition namely that within their own limits and near their own borders they maintain a more uniform degree of humidity in the atmosphere than is observed in cleared ground" and at page 197 "the soil of forest is always moist and it is proceedingly seen that a locomotive wood suffers from want of humidity. It is well established that the protection afforded by forest against the escape of moisture from the soil increases the permanency and regularity of springs not only within the limits of the woods but at some distance beyond them borders. As the forests are destroyed the springs which flowed from the woods

woods and consequently the greater water
courses fed by them diminish both in
number and volume." Mr. Marsh
illustrates his propositions by numerous
authentic instances and records his
opinion that it is necessary to preserve
the wood round the sources of water
courses and he draws this conclusion not
only from the supposition that woods
preserve the flow of springs but
that the roots of trees arrest the
too rapid percolation of water in the
soil and in this manner regulate floods.
According to an article in the "Indian
Mail" of the 31st March 1895 the Blue
Book published on Indian Forests
in the current year, supports on the
whole a similar conclusion. There it
is alleged forests temper the action
of

of the winds and "they act in such a
manner that persistent droughts and
violent rains are alike avoided."

35. The question of the effect of forest
on rainfall and in other respects is
extremely obscure and a great deal
has yet to be learnt on the subject.
No one seems to know how far it is
safe under given circumstances to divest
hill countries of their covering of
forest and no accurate observations
have been made on the subject on a
large scale. Lieut. Col. Pearson the
Conservator of Forests in the N. W. Provinces
points out (page 11) in the brochure
entitled "Supplement to Reports on
Forest Management in France, Switzer-
land and Lower Austria" published
in 1893 that landslips and torrents
result

result from felling the forests, but nothing is said about rainfall. Steps are now being taken at great expense in these localities to arrest landslips and torrents by reboisements or plantations. There is as far as can be foreseen, however, reason to suppose that harmful denudation would not occur on the Nilgiris even if the forest was abandoned to planters without reservation, because the natural exposure of the plateau renders it necessary for planters to seek all the protection for cultivation possible. Planters will consequently themselves endeavour to preserve the natural woods on the more elevated spots and will raise belts of gums to afford protection where no natural screen exists. Moreover Planters of tea must in their own interests preserve part of the Sholah on their holdings or raise artificial Plantations, as any acre of tea needs, it is said,

three

three acres of forest to supply fuel for the manufacture and wood for boxes.

36. We conclude this question of forest, observing that no one can tell what portion of forest may be removed without detriment to the rainfall and that in the absence of such knowledge, all it is incumbent to do is to proceed upon the experience recorded by Marsh and others leaving difficulties that may arise to be dealt with when they appear. It is obvious that if the natural forest is preserved to guard against hypothetical danger, a great immediate advantage in the opening up of the districts will be sacrificed and we think the interests of the present generation should not be postponed to circumstances which may never arise. With the reservation of forest on ridges and at the source of streams we contemplate, that as a rule, all will be

done

done that is needed.

3rd. In the existing Rules, blocks of 500 acres are prescribed and any person may apply for contiguous plots. We propose to maintain the restriction requiring land to be occupied in block, but in the spirit of the present Rules we place no limit to the size of an application. The mere restriction of holdings to a specified area will lead to no object, because applicants who wish to speculate cannot be prevented from acquiring as many blocks as they wish by the simple expedient of putting in applications in the names of relations or friends. Land on the Hills will probably not be jobbed to any extent. But if it was jobbed the State would profit because jobbers job to make money and any person with capital sufficient to enable him to take up large areas would lose no time

time in selling his land to others and making as much out of his speculation as possible. In the present state of the Hills he would further the objects of Government instead of retarding them. He would act as agent to Government in inducing planters to settle. Another aspect of the question appears to be it is not the function of Government to refuse to sell land at its disposal in order that the distribution may take a specified course. The more commercial affairs such as speculations in land are left unfettered, the more it seems to us is prosperity likely to be promoted, inasmuch as the purchasers from Government must be prepared to sell at the market price or lose their speculation fail. It is probable that purchasers of land on the Hills will seek to realize speedily.

The

The prospects of the Hills are at present too precarious to induce speculators to invest with a view to profit to their families on their own death. It may be said generally that a land jobber will not adopt a large speculation, the profitable issue of which can only be expected after a very long time in a country in which he cannot reside as the permanent Home of himself and his Children after him. Such a country is India. In the Colonies it might be different where there is a climate in which Europeans flourish.

38. We have debated the propriety of departing from the Rule laid down in Government Order No 269 dated 28th January 1868 enjoining the strict preservation of Swamps. Blocks will be sought in common with other blocks in which there are Swamps and it seems a needless restriction in

in these circumstances to cut out the Swamps. We recognise the possible use of Swamps as Sponges and the influence they possess in that capacity on the distribution of the water supply but this need not prevent their alienation to planters if precautions are taken against their being made the subject of speculation merely for the sale. We suggest the rule being adopted to secure, as apply to natural wood sold by the planters namely that on sale placed on the market the planter shall pay the Seignorage exacted for wood sold.

39. The Existing Rules provide for a deposit of the estimated cost of demarcation and survey. This cost is large in small blocks, small in large blocks. We have reflected that a minor objection the rules

the purpose is to secure bonâ fide occupation and we think the end would be attained by fixing the cost of demarcation and Survey at 2 Rupees per acre. Such a sum looking at the fact that land in other parts of India is sold outright for 5, 8 per acre, will be almost the fee simple value of the land and the sum should operate to deter mere Speculators. On the other hand the Government in the long run would not be a loser because 2 Rupees per acre would indemnify the Survey department. We would not allow an applicant withdrawing his application to recover his deposit for Survey. This would be another obstacle to speculation.

40. We consider the price of the land should be limited by the cost of demarcation at 2 Rupees per acre. An applicant will apply to the Commissioner who will make enquiries as to claims on the land and when these are settled will put the applicant in possession without further delay. The Commissioner will not allot any land without the concurrence of the Forest officer, his opinion being framed solely on the principles laid down of the reservation of a band of forest on ridges and of a radius round the sources of streams. Any conflict of opinion between him and the Commissioner will be submitted to the Board of Revenue for decision and an applicant will be entitled to appeal on refusal of land if he thinks a departure from the principles suggested has been made.

41. With regard to assessment we observe that Government at para 4 of the Order

under

under report remarks "It is not intended to descend until the Estate is in full bearing." In the spirit of this view we suggest that assessment should fall in the Sixth year of cultivation, but only on such parts of the holding as may be planted up. Such a rule will after all leave land on the Nilgiris more heavily burdened than land in the North of India, Ceylon and the Anamalays provided the price in fee simple is maintained at 25 years purchase and we do not propose to alter this provision. It will put land on the Hills on a more favorable footing than Government land in the Wynaad but not than private land in that district. But land on the Nilgiris should in our opinion receive more liberal treatment than

land

land in the Wynaad where the climate is specially favorable for planting and there is more forest than on the Nilgiris. It must be borne in mind that on the Nilgiri plateau Coffee which is the staple of less elevated lands will not grow and tea is the product on which dependence must be placed for an extension of cultivation. Tea, however, on the Hills is only in an experimental stage. Hence the reason for subsidizing land for the enterprise on the most liberal terms possible.

42. We think a radius of 50 yards of forest round the sources of streams will be sufficient and a band of 100 yards of forest on either side of ridges. It will be a matter of fact what sources and ridges need the protection suggested and any difference of opinion on the subject