M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1070 Press ~~Mis.~~

186, 187

Dated 22 - 5 - 1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd May 1861.

No. 186. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India (Revenue), to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 16th April 1861, No. 27:—

SIR,

1. The letters from your Government, dated the 25th of June and 21st of July last, Nos. 68 and 84, have been under my consideration in Council.

2. These letters contain much important information connected with Wainád, a District which has assumed considerable importance, from its having of late become a favorite resort of European and Native settlers for the cultivation of Coffee.

3. Your Government especially direct my attention, first, to the question of the rights of Government to all the forests in general; and secondly, to their claims to the Numbolycotah Estate, now held by the Nellumboor Rajah.

4. I have perused with much interest the documents which accompanied your letter. Mr. Robinson's two Reports seem entitled to much confidence from the care with which they have been prepared, after personal investigations on the spot, as well as from that Officer's intimate acquaintance with the language and customs of Malabar. The Board of Revenue's elaborate review of these Reports has also been very closely examined by your Government in your several Proceedings of June and July 1859 and January and March 1860.

5. After a very careful consideration of this collection of papers, it seems to me evident that the proprietary right exists as strongly in Wainád as in any other portion of Malabar; and that where the Government possess such right, it is by escheat derived chiefly from confiscations after the suppression of the rebellion of the Pychee Rajah, at the beginning of the century. It has been urged that, if Mr. Baber had not been removed from the District, before he had accomplished his projected survey, these escheats would have been very much more extensive and better defined. But in regard to the lands held by temples, which were very large holders of the Jenm or proprietary rights, this assertion seems to be more than doubtful, from a note to one of Mr. Robinson's Reports,* in which he states that to Mr. Baber's conduct, in not declaring the properties of these religious corporations responsible for the misdeeds of their proprietors and Ooralers, we were mainly indebted for the pacification of the country.

* June 4th, 1858, No. 90A, p. 25.

6. But be this as it may, the proclamation officially made by Mr. Vaughan in 1824, though not with the sanction of Government, which limited the rights of Government to twenty-four hills "and no more," must bar any claim at the present time to recover anything given up by that proclamation. As your Government justly remark, the properties have now been held for above half a century without interference, have passed by inheritance, and been transferred by sale or mortgage. Her Majesty's Government approve, therefore, your decision, that in the Central, Southern, and Western Divisions (or Umshons), where there appears to have been actual enjoyment from that time forward, this private Jenm right shall be respected as regards country and forest. In four of the Eastern Umshons, however, you are satisfied that the exercise of private rights in the dense natural forests is an encroachment of quite modern times. In two, indeed (Moonausudaud Gunnapuddyvuttum), no claims have been set up, and the forests having been a rightful escheat, I approve of your having at once made them over to the charge of the Conservator of Forests.

7. In the other two, Elloornad Umshon and Poolpully Dasum, the forests, you say, are believed to have belonged to the Pychee Rajah, and that the claims set up to them by three temples are "quite modern," but that full opportunity will be given to the claimants to bring forward their proofs. Bearing in mind, however, the policy pursued by Mr. Baber towards the religious bodies, and paragraphs 35 to 37 of Mr. Robinson's Report,† in which he gives an account of these divisions, Her Majesty's Government feel very doubtful as to whether it can be just, and, if just, whether it would be expedient, to assert a retrospective escheat since 1806. This remark especially applies to Elloornad, in which Mr. Robinson says there are a large number of proprietary

† June 4th, 1858, No. 90A.

rights, but that the hill and forest properties are claimed by two temples, one of which is "one of the most revered temples of Malabar, an ancient Coorg foundation, but visited by the "Malabar people from all parts;" and in regard, too, to the private claims, Mr. Robinson says that though many of the titles "might be doubted, after a lapse of half a century of "unchallenged enjoyment, a resumption could only take place on proper and well-defined "principles." Even in Poolpully the Rajah seems, in many cases, to have possessed the property as trustee of the temple. According to the accounts of the District, "no forest property, no "temple property, was confiscated;" and the people assert that Mr. Baber admitted the claim of the temple to Jenm right. This temple also is said to be "much respected." Mr. Grant also states that the "Tivumhulli temple is one of great note, and any act to its detriment is "likely to be much felt."

* January 31st, 1860, No. 166.

8. Under these circumstances, I am glad to find that, at Mr. Grant's suggestion,* you resolved that no further proceedings should be taken until the survey which you have ordered is completed.

† Paragraph 4, Resolution June 22nd, 1859, No. 822.

9. Her Majesty's Government highly approve your determination† that the survey should be at once commenced, and preceded by a widely spread explanation of the objects for which it is undertaken. The terms in which the proclamation is to be couched seem well calculated to allay any alarm on the subject. These principles must be strictly adhered to. I regret to learn from the papers transmitted with your letter of the 21st of July, No. 84, that this survey, which has been, for the present, judiciously limited to the delineation and registry of estates, will not be accomplished in so short a time as was at first anticipated.

‡ Minute No. 5, February 25th, 1860.

10. The state of the means of communication in Wainád‡ is described as lamentably defective, notwithstanding the hopes held out at the conference with your late President at the beginning of last year; I perceive that the Budget of 1860-61 contains an item of Rupees 10,000 for a road for opening the country. I trust that more extensive works will be undertaken when funds are at the disposal of your Government. It is to be expected, also, that the settlers will find themselves able and willing to assist in works which are so much for their advantage.

11. Your decision on the question of the right of Government to the Numbolycotah Estate, in both its branches, has received the approval of Her Majesty's Government. It was clear that no claim to the actual estate could now be sustained, whereas, as regards the tract of the Neilgherries claimed by the Nellumboor Rajah, Mr. Robinson considered the whole claim false, and the deeds by which it was supported as fabrications. And this opinion was in accordance with the views formerly held by Mr. Sullivan. The tract appears not to have formed part of the property, and the claim seems an usurpation. I therefore approve the resolution of your Government to enforce the rights of Government on this portion of the plateau of the Neilgherries.

No. 187. ORDER THEREON, 22nd May 1861, No. 1,070.

1. Communicated for the information of the Board of Revenue, with reference to the Proceedings noted in the margin,§ and to the Director of Revenue Settlement, with reference to the later of the Proceedings there noted.

§ Proceedings of Government, 29th March 1860, No. 484.
Do. 16th May " " 789.

2. Paragraph 10 of the Despatch will be communicated to the Chief Engineer. It is observed that the Budget of 1861-62 makes provision for a further sum of 15,940 Rupees for opening up the Wainád country, and 30,000 Rupees besides, for the formation of a labor corps for the same purpose. The attention of the Chief Engineer will be given to the wish expressed by the Secretary of State at the conclusion of paragraph 10.

(Signed) J. D. SIM,
Secretary to Government.

India Office,
London, 16th April 1861.

Revenue,
No. 27.

To His Excellency The Honourable The Governor in Council, Fort St. George.

SIR,

Para. 1. The Letters from your Government dated the 25th of June and 21st of July last, Nos. 68 and 84, have been under my consideration in Council.

2. These letters contain much important information connected with Wynaad, a district which has assumed considerable importance, from its having of late become a favourite resort of European and Native settlers for the cultivation of coffee.

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5. After a very careful consideration of this collection of papers, it seems to me evident that the proprietary right exists as strongly in Wynaad as in any other portion of Malabar; and that where the Government possess such right, it is by escheat derived chiefly from confiscations after the suppression of the rebellion of the Pychee Rajah, at the beginning of the century. It has been urged that, if Mr. Baber had not been removed from the district, before he had accomplished his projected survey, these escheats would have been very much more extensive and better defined. But in regard to the lands held by temples, which were very large holders of the Jenm or proprietary rights, this assertion seems to be more than doubtful, from a note to one of Mr. Robinson's Reports,* in which he states that to Mr. Baber's conduct, in not declaring the properties of these religious corporations responsible for the misdeeds of their proprietors and Ooralers, we were mainly indebted for the pacification of the country.

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11. Your decision on the question of the right of Government to the Numbolycotah Estate, in both its branches, has received the approval of Her Majesty's Government. It was clear that no claim to the actual estate could now be sustained, whereas, as regards the tract of the Neilgherries claimed by the Nellumboor Rajah, Mr. Robinson considered the whole claim false, and the deeds by which it was supported as fabrications. And this opinion was in accordance with the views formerly held by Mr. Sullivan. The tract appears not to have formed part of the property, and the claim seems an usurpation. I therefore approve the resolution of your Government to enforce the rights of Government on this portion of the plateau of the Neilgherries.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

Rev Dept

No 19

Pro. of Govt. for May 1861.

Revenue

16th April 1861.

The Letter to Fort St. George

No 27.

Received on

15th May 1861

vid Marseilles

and Bombay

Copy & Pro. of Rev

Dept Revenue Settlement

& Agric Dept

22nd May 1861.

No 186-187.

Passing observations on the Proceedings of the Govt of Madras with regard to the disposal of questions connected with the several tracts of forest in Malabar, approves their decision in respect to the Numbolly esta Estate.

No 1070. 22nd May

2

No 1070-

Proceedings of the Madras Government

Under date the 22nd May 1861-

Read the following

Despatch from the Right

Honble the Secy of State for

India-

Passing observations

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with regard to the disposal

of questions connected with (Here enter 16 April /61 No 27)

the several tracts of forest

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decision in respect to the

Numbolly esta Estate-

Communicated

for the information of the

Board of Revenue with

reference to the Proceed-

ings noted in the Margin,

and to the Director of

Revenue Settlement with

reference to the later

of the Proceedings thus

noted.

Para 16 of the despatch

will

* Pro. of Govt 29 March /61 No 484-
do 16 May " " 789.

will be communicated to the Chief Engineer.

It is observed that the Budget of 1861/62 makes provision for a further sum of 15,940 £ for opening up the Wynaad country, and 30,000 £ besides, for the formation of a labor corps for the same purpose. The attention of the Chief Engineer will be given to the hope expressed by the Secretary of State at the conclusion of para 10

I. D.S

11 Copies. Board of Revenue &c &c
13 " Dr. of Rev: Settlements
10 " Chf Engineers

Order on Pco Despatch
dr 27th 1861

12-3-94
1-10-96
20-3-03
11/12/14
27-4-[illegible]

Revenue 1861 Departt
Pro: of Govt for May -

No 1070.

Pro: of the Madras
Government

dr 22d May 1861.

Home Despatch
regarding Naimad
Forests and orders of
Government thereon.

No 186 & 187.

Pro: of the Bd of Rev: dr
20 Septr 62 & Nos 2735

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