M.R.O. 14—10,000—21-4-32.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1372	Press / Mis.
37	
38	
Dated October 8, 1859.	

Not to be folded or roughly handled

Observing that the Board had always taken care to secure to the land owners the full enjoyment of their private trees — Recorded.

No. 37. Read the following Proceedings of the Board of Revenue; dated 16th September 1859, No. 3696.

Read Proceedings of the Madras Government, dated 26th May 1859, No. 707, R. D.,—passing orders on a digest prepared by the Board, of the various rules which have lately been laid down on the subject of topes and trees.

(In Con. 27th May 1859, No. 2415.)

The Board regret that Government should have thought them inattentive to Clause I. Section 17, Regulation I. of 1820, or supposed that care had not always been taken to secure to the landowners the full enjoyment of their private trees in accordance with that enactment. The Board had hoped that paragraph 2 of their previous Proceedings, of 28th February last, No. 734, would have satisfied Government that Regulation I. of 1820 was in full force, and have shown that the note to Rule XIV. in paragraph 10 of their late Proceedings, applied to trees, *hitherto the property of Government*, which it has now been determined to make over to the landholders.

Dated 28th April 1859, No. 1469.

2. As the Board wish to remove any impression that they have acted contrary to law, and thereby injured private rights, they will briefly explain the Regulatitnn I. of 1820 has always hindered the abkarry renters from interfering with private trees, unless with the consent of their owners. But besides the cocoanut plantations and the trees planted by the ryots in their fields, gardens and backyards, there have been other trees on their lands, viz. wild dates and palmyrahs growing in the corners or on the borders of their fields, which, by immemorial right and usage, have belonged to Government.

3. The Commissioner in the Northern Circars brought these trees to the notice of Government, with a recommendation that they should be at once made over to the landowners in Guntoor, and exempted from the interference of the abkarry renter; but Government at first declined to adopt this course, not considering the surrender of these trees "at all incumbent as a matter of justic." At the same time they called for information regarding these trees in other districts in order that they might judge whether any change of policy was advisable with respect to them. In reporting on this question the Board recommended the surrender of these trees to the landholders; but expressly said that if this was done the trees would hereafter come under Clause 1. Section 17, Regulation 1. of 1820, and that the surrender should, therefore, be conditional in some Districts "until the current abkarry leases expire," or until the Board examined the leases and entered into arrangements with the renters.

E. M. C. 18th July 1856, No. 748, in Con. 14th August 1856, No. 2711.

Para. 3.

4. The Government acceded to this view, and the Board called on the Collectors of Bellary and the other Districts mentioned in their note to draft Rule XIV. for information regarding the abkarry Cowles, in order that they might proceed to carry the orders of Government for surrendering the trees into effect. Meantime, in accordance with the instruction of Government, they made a digest of the various orders which have been passed regarding topes and trees, embodying in the paper a set of rules framed upon the principles which Government had laid down. The note to Rule XIV. was added for the information of Government, to show that the surrender of the date and palmyrah trees in the districts there specified would not be made without the preliminary steps, which the Board had previously described.

E. M. C. 14th March 1859, No. 321. in Con. 16th March 1859, No. 1085.

5. The Government will thus perceive that nothing which is illegal or inconsistent with the rights of the people has been done by the Board, and that no abkarry leases have to be called in and annulled on this account.

6. The information called for by Government in paragraph 5 will be hereafter submitted.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 38. ORDER THEREON, 8th October 1859, No. 1372.

Ordered that the foregoing Proceedings be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

No. 3696.

Proceedings of the Board of Revenue, dated 16th September 1859.

Read Proceedings of the Madras Government, dated 26th May 1859, No. 707, R. D.,—passing orders on a digest prepared by the Board, of the various rules which have lately been laid down on the subject of Topes and Trees.

(In Con. 27th May 1859, No. 2415.)

The Board regret that Government should have thought them inattentive to Clause 1 Section 17 Regulation 1 of 1820, or supposed that care had not always been taken to secure to the landowners the full enjoyment of their private trees in accordance with that enactment. The Board had hoped that paragraph 2 of their previous proceedings, of 28th February last, No. 734, would have satisfied Government that Regulation 1 of 1820 was in full force, and have shown that the note to Rule XIV in paragraph 10 of their late proceedings, applied to trees, *hitherto the property of Government*, which it has now been determined to make over to the landholders.

Dated 28th April 1859, No. 1469.

2. As the Board wish to remove any impression that they have acted contrary to Law, and thereby injured private rights, they will briefly explain that Regulation 1 of 1820 has always hindered the abkarry renters from interfering with private trees, unless with the consent of their owners. But besides the cocoanut plantations and the trees planted by the ryots in their fields, gardens and backyards, there have been other trees on their lands, viz. wild dates and palmyrahs growing in the corners or on the borders of their fields, which, by immemorial right and usage, have belonged to Government.

3. The Commissioner in the Northern Circars brought these trees to the notice of Government, with a recommendation that they should be at once made over to the landowners in Guntoor, and exempted from the interference of the abkarry renter; but Government at first declined to adopt this course, not considering the surrender of these trees "at all incumbent as a matter of justice." At the same time they called for information regarding these trees in other districts in order that they might judge whether any change of policy was advisable with respect to them. In reporting on this question the Board recommended the surrender of these trees to the landholders; but expressly said that if this was done the trees would hereafter come under Clause 1 Section 17 Regulation 1 of 1820, and that the surrender should, therefore, be conditional in some districts "until the current abkarry leases expire," or until the Board examined the leases and entered into arrangements with the renters.

E. M. C. 18th July 1856, No. 748, in Con. 14th August 1856, No. 2711.

Para. 3.

4. The Government acceded to this view, and the Board called on the Collectors of Bellary and the other districts mentioned in their note to draft Rule XIV for information regarding the abkarry Cowles, in order that they might proceed to carry the orders of Government for surrendering the trees into effect. Meantime, in accordance with the instruction of Government, they made a digest of the various orders which have been passed regarding topes and trees, embodying in the paper a set of rules framed upon the principles which Government had laid down. The note to Rule XIV was added for the information of Government, to show that the surrender of the date and palmyrah trees in the districts there specified would not be made without the preliminary steps, which the Board had previously described.

E. M. C. 14th March 1859, No 321, in Con. 16th March 1859, No. 1085.

5. The Government will thus perceive that nothing which is illegal or inconsistent with the rights of the people has been done by the Board, and that no abkarry leases have to be called in and annulled on this account.

6. The information called for by Government in paragraph 5 will be hereafter submitted.

(A true Extract.)

Acting Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

R- Cons. 27th May 1859 -
" " 16 March 59 N° 49-50
" " 22 July 150 " 21-22

30-4/60

5/18/65

4/8/67

8

N°37 & 38

26th Sep. R 29th

Revenue 1859 Department
Proc. Govt 21st Oct. N° 1744

Proceedings of the Board of Revenue.

Dated 16th Sept. 1859.
Desp. 21st "
Rec. 22nd Do. "

N° 3696.

Observing with reference to the order of Govt. dated 26th May 1859 R. D. N° 707, that in laying down various rules on the subject of Topes & Trees the Board had always taken care to secure to the land owners the full enjoyment of their private trees in accordance to Reg. 1 of 1820.

N° 1372.

Recorded.

8 October 1859.