M.R.O. 14—18,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 154 Press ~~Mis.~~

25.300

Dated 28—1—~~19~~ 1864

Not to be folded or roughly handled

~~G.O. 2~~ G.O. No 299- 300

Proceedings of the Madras Government, Revenue Department, 28th January 1864.

No. 299. Read the following Proceedings of the Board of Revenue, dated 14th January 1864, No. 228.

Read the following letter from the Collector of Coimbatore, dated 21st December 1863, No. 232.

1. In the Conservator of Forest's report for the Official year 1862-63, paragraph 72, an account of the Governor's Sholah, of the nursery of Australian Acacias in it, and of the damage done to the nursery by the Todas' Buffaloes is given, and a doubt as to the right or title of the Todas to any Forest land on the Neilgherry Hills is expressed. The Sholah is also stated to be one of the best sites on the Hills for a large firewood plantation.

2. In paragraph 29 of the Government Order reviewing the report, my attention is called to the injury inflicted on the nursery by the Todas' Buffaloes, and it is stated that the portions within which the Todas have rights of pasturage, should be defined and fenced in, or their rights should be purchased at a fair price.

3. It must now be about 12 months since my attention was first directed to the Governor's Sholah by the Todas, who told me that a number of their Buffaloes had been unjustly seized by subordinates of the Conservator's Department, on the plea that they had wandered through the Sholah and destroyed a number of young Australian Acacias. They complained much of the treatment they had received, they repudiated the charge that their Buffaloes had destroyed the plants, and alleged that they had lived in the Sholah for ages, and that their Buffaloes had never been restricted from grazing around and in it.

4. Being then but little acquainted with the localities or the Todas, I rode out one day and inspected the Sholah and heard on the spot all that the Todas had to say. The man who seized the Buffaloes was also there, and pointed out to me where the Buffaloes had trespassed. I followed him some distance, but could not find more than three small plants not more than six inches high which had been injured. More may have been injured; it is probable that such was the case; however the matter had been exaggerated. Here then is a mund, one of the chief ones on the Hills with a large herd of Buffaloes belonging to it, and a Government plantation (not the nursery which is fenced in) of Acacias being formed within 40 yards of the door of the mund, without the pretence even of a fence being erected for its preservation. I confess I felt that a mistake had been committed in attempts to form a plantation there, and that when no fence had been erected for its protection, to prosecute Todas because their Buffaloes had wandered some 40 or 50 yards from the mund and thereby destroyed young trees, was to place Government in a false position. It can hardly be wondered at that the Native Magistrates hesitated to punish the Todas. Captain Beddome, Acting Conservator of Forests, has written and spoken to me about the Governor's Sholah and the Todas, on more occasions than one, and also suggested that they should be directed to erect fences round their grounds; but I have never yet heard of a person erecting a fence for the protection of his neighbour's plantations. In truth I have considered the matter over and over again, and the only conclusion I can come to, is that it is a mistake to attempt to plant the Sholah unless the plantations are to be fenced in with ditches and hedges to be erected at the expense of Government. There are certain localities on the Hills more protected than others from the violence of the wind and rain during the south-west monsoon: the Governor's Sholah is one of these, perhaps one of the best. It faces the north, and the Hills form a valley open to the north. On the east and west sides of the valley there are altogether six or eight munds, including one chief temple, one burning ground, and a grassy Kraal, where Buffaloes are killed in honor of the Todas on the occasion of their decease. It is thus apparent that the Governor's Sholah is a place of no small importance in the eyes of the Todas; it is reckoned in importance as next to Pycara, where the head Toda Gundakullen, a man of 80 years of age lives, and whose son and family reside at Governor's Sholah. With the Sholah there used to be two munds, but one of them is said to have been burnt down by the people who frequented the Sholah for firewood. The Buffaloes belonging to the munds number several hundreds. Gundakullen and another Toda named Valluven, who generally reside at the mund behind Mr. Sylk's Hotel, have complained bitterly of the cutting

down of the Sholah and of the treatment to which they are now exposed. There is no doubt that their Buffaloes have been in the habit of passing through the Sholah. I visited and examined it in the early part of last month, and saw the paths leading through it from one part of the open Hills to another. The Todas will not hear of selling any of their lands, and I do not think that any one who really goes into the question as it bears on them, would ask them to do so: looked at simply as a site for a plantation, I am not astonished that the Conservator is anxious to see it under Acacias; for, the situation is protected, the soil undoubtedly fertile, the distance from Ootacamund moderate (6 miles), and the road to it, over a fine country, good. There are attached to each mund in the Sholah 12 bullahs of land some within and some outside* the Sholah. The Todas stated before me that when in Mr. Sullivan's time, the land attached to their munds in Ootacamund and which now forms the station (2,854† Acres, for which Rupees 150 are annually paid to them) was appropriated by Government, he (Mr. Sullivan) promised that they should enjoy their other munds and lands without molestation. This statement, there is every reason to believe, is correct. The following extract from paragraph 6 of the Manual of Instructions for the guidance of Revenue Officers of the Coimbatore District, in their disposal of applications made to them for lands upon the Neilgherry Hills, Circular Orders of the Board of Revenue in Volume I, published in 1851, page 583, seems to bear on the subject:—

Cunducudumund Pudumund.

* The greater portion outside.

† Cawnies 2,153.

"The attention of the Revenue authorities of Coimbatore is here particularly drawn to "paragraph 11 of the Honorable Court's Despatch of 21st June 1843, which it will be remarked "not only guards from all interference the munds, sites of villages, and spots held in peculiar "veneration by the Todas, but interdicts the grant of lands in the vicinity of their places of resi- "dence, in the hope that these may hereafter be cultivated by the Todas themselves, when they "shall be induced to engage in agricultural pursuits."

5. The accompanying sketch of the locality will tend to enable the Board to form an opinion of the merits of the case in which I will take no further steps until the receipt of their orders.

ENCLOSURE No. 1.—Sketch.

Submitted for the consideration of Government, with reference to the Order quoted by the Collector, and with the expression of the Board's opinion that the Officiating Conservator of Forests should be instructed to fence in his plantations and nurseries on the Hills, and not to interfere with the legitimate exercise by the Todas of their immemorial rights of grazing and occupancy without previous application to the Collector, and sanction by higher authority.

No. 300. ORDER THEREON, 28th January 1864, No. 154.

The Governor in Council fully concurs in the opinion expressed by the Board of Revenue in these Proceedings, which will be communicated to the Officiating Conservator of Forests, with instructions to follow the course indicated by the Board. It is only when the plantations have been fenced in that the authorities can fairly punish persons or pound cattle trespassing thereon.

(True Extract.)

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

To the Board of Revenue.
„ Officiating Conservator of Forests.

Exd. S. T. Augustin.

No. 228.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 14th January 1864.

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1. In the Conservator of Forest's report for the Official year 1862-63, paragraph 72, an account of the Governor's Sholah, of the nursery of Australian Acacias in it, and of the damage done to the nursery by the Todas' Buffaloes is given, and a doubt as to the right or title of the Todas to any Forest land on the Neilgherry Hills is expressed. The Sholah is also stated to be one of the best sites on the Hills for a large firewood plantation.

2. In paragraph 29 of the Government Order reviewing the report, my attention is called to the injury inflicted on the nursery by the Todas' Buffaloes, and it is stated that the portions within which the Todas have rights of pasturage, should be defined and fenced in, or their rights should be purchased at a fair price.

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the munds number several hundreds. Gundakullen and another Toda named Valluven, who generally reside at the mund behind Mr. Sylk's Hotel, have complained bitterly of the cutting down of the Sholah and of the treatment to which they are now exposed. There is no doubt that their Buffaloes have been in the habit of passing through the Sholah. I visited and examined it in the early part of last month, and saw the paths leading through it from one part of the open Hills to another. The Todas will not hear of selling any of their lands, and I do not think that any one who really goes into the question as it bears on them, would ask them to do so: looked at simply as a site for a plantation, I am not astonished that the Conservator is anxious to see it under Acacias; for, the situation is protected, the soil undoubtedly fertile, the distance from Ootacamund moderate (6 miles), and the road to it, over a fine country, good. There are attached to each mund in the Sholah 12 bullahs of land, some within and some outside* the Sholah. The Todas stated before me that when in Mr. Sullivan's time, the land attached to their munds in Ootacamund and which now forms the station (2,854† acres, for which Rupees 150 are annually paid to them) was appropriated by Government, he (Mr. Sullivan) promised that they should enjoy their other munds and lands without molestation. This statement, there is every reason to believe, is correct. The following extract from paragraph 6 of the Manual of Instructions for the guidance of Revenue Officers of the Coimbatore District, in their disposal of applications made to them for lands upon the Neilgherry Hills, Circular Orders of the Board of Revenue in Volume I, published in 1851, page 583, seems to bear on the subject:—

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ENCLOSURE No. 1.—Sketch.

Submitted for the consideration of Government, with reference to the Order quoted by the Collector, and with the expression of the Board's opinion that the Officiating Conservator of Forests should be instructed to fence in his plantations and nurseries on the Hills, and not to interfere with the legitimate exercise by the Todas of their immemorial rights of grazing and occupancy without previous application to the Collector, and sanction by higher authority.

(A true Copy and Extract.)

Secretary.

To J. D. Sim, Esq., Secretary to Government, R. D., with enclosure.
Copy to P. Grant, Esq., Collector of Coimbatore.

I quite agree with the Board: if the Conservator of Forests wants to make a Plantation he must fence it round then fairly & punish persons who break or pound them cattle but no person has a right to pound an animal for trespass unless no person has a right to pound an animal for trespass unless he has first properly fenced his property

Exd. J. Wright.

Pro. 12 September 1863 - # 46
" 12 August 1863 - 102-103

Rev. 1864 Department.
Pro. of Govt for Jany.

No. 148

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 14th January 1864.
Despd 18 do
Rec'd 19th
C.R. Sketch - R.P.L.
No. 223.

Submitting a report from the Collector of Coimbatore on the complaints raised against the destruction caused by the Todas Buffaloes to some of the Government plantations and nurseries on the Hills, and recommending that the Officiating Conservator of Forests be instructed to fence in the plantations &c., and not to interfere with the Todas' rights without previous sanction.

No. 154 - 28 Jany

For Order

With all papers

No. 299 & 300.

22 Jany 64 Des.

No. 154.

The Governor in Council fully concurs in the opinion expressed by the Board of Revenue in their Proceedings, which will be communicated to the officiating Conservator of Forests with instructions to follow the course indicated by the Board - It is only when the Plantations have been fenced in that the Authorities can fairly punish persons or found cattle trespassing thereon -

Fort St. George
28th Day 1864

To the Board of Revenue
& officiating Conservator of Forests.