

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2477	Press ~~Mis.~~
219. 220	
Dated	13 10. 1865.

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Revenue Department,
13th October 1865.*

No. 219. Read the following letter from J. OUCHTERLONY, Esq., to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Kotagherry, 31st August 1865 :—

SIR,

1. I have had the honor to receive from the Collector of Coimbatore, with a letter dated the 21st ultimo, Proceedings of Government, dated the 30th March last, embodying copy of a letter of the Collector of Malabar, dated the 2nd September 1864. Owing to my absence from Ootacamund, and an accident there, these papers have only reached me in the present month. I presume that they have been sent to me, on account of my having acted as the Nellumboor Raja's Agent, in communicating to the Government the claim which he preferred to the land first cleared for Chinchona cultivation on the Goodaloor Ghát.

2. As it would naturally be supposed that I should offer advice to the Raja in this matter, I have sought to obtain the further information that might enable me to do so; but I find that the reports, upon which the order of Government is based, are not in Coimbatore. The chief object, therefore, of my present letter is, to express a request that the Government will be pleased to cause my being furnished with copies of the enclosures in Mr. Ballard's aforesaid letter of the 2nd September last, as, without these, it is manifestly impossible for either myself or the Nellumboor Raja to understand *what* the "tract in question" is, to which the Raja's claims are declared to be "wholly invalid."

3. I would, however, desire to take the opportunity of submitting to the Government certain circumstances, which might be deemed to claim a modification of, if I may so speak without presumption, the peremptoriness of the order of the 30th March last.

4. The 7th paragraph of Mr. Ballard's report shews that he is misinformed as to the circumstances under which my own land was acquired. It was no simple passiveness of official authority that "allowed" the Nellumboor Raja to dispose of it. It is now just twenty years since my attention was first drawn to the spot. Finding a waste jungle, and knowing nothing of native titles I concluded it to be Government land, and applied to the representative of Government in Malabar, the Collector, for a grant of a certain tract. The Collector, the late lamented Mr. Conolly (an Officer who had had I believe the longest experience of Malabar of all Revenue Officers of modern times) informed me in reply that the land *did not belong to the Government*, but to the *Nellumboor Raja*, to whom he considerably offered to introduce me, though as Collector he could do no more. My arrangements with the Raja were then made with his entire knowledge throughout; and nothing throughout this long interval, until the late difference about the Chinchona plantation, has either been said or done to impart to me any doubt or question of the validity of the acts.

5. Nay more, when the Raja in the year 1847 or 1848 called for the Collector's interference to restrain a gentleman from interfering with a part of this same land, Mr. Conolly referred the official enquiry to *Nellumboor*; and the consent of the Raja to give a grant for the land was accepted as a conclusive settlement. And again, when in 1855-56 I had a dispute with a neighbour, the then Collector, Mr. Clarke, deputed his Assistant, Mr. Tod, to the spot, and titles, derived from the Nellumboor Raja, were alone referred to as settling the apparent right.

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6. In the foregoing I am alluding to the land below the plateau of the Neilgherry Hills, and can only add, in respect of it, that I remember well Colonel F. Cotton, then the Engineer of Malabar, talking to me of this land as belonging to the Nellumboor Raja, and therein shewing that such was a universally received opinion.

7. If then, (and remembering that the whole country about was a wild waste, or nearly so,) even if the Raja were in error—which, according to the opinion of the most experienced Revenue Officers of Malabar, he was not—in concluding this land to be in his possessions, it was surely a most excusable assumption, seeing how far a similar conviction extended, and how the very Collector of the District went forward to acknowledge its justice.

8. Then again, surely the Raja's belief in the land of the first Chinchona garden on the Goodaloor Ghát being his, was but reasonable. When Dr. Macpherson came to the Hills on some mission (what I know not) connected with Chinchonas, he visited me at Neddivuttum, and expressed a wish to have some of my land for the experimental cultivation. He at the same time informed me that a plantation was to be made on some Circar land. We did not visit these spots, and his explanations left me under a wrong impression regarding the localities. I understood the so-called Circar land to be beyond the Neddivuttum Travellers' Bungalow, and my own somewhere near. But the Government was pleased to thank me for my readiness to give up my land for the purpose; and therefore, when the error was discovered and the land was found to be a certain distance down the Goodaloor Ghát, with this recognition of the land on one side of the road being mine (and that in virtue of being held from the Nellumboor Raja), while that on the other side was arbitrarily assumed to be Circar land, it was but fair and reasonable that the Raja should put forward his claim to the latter, especially when it is remembered that the line of ghát road had never been put forward at any time or in any way to determine limits of right.

9. Yet further, upon that part of the question which concerns a pretension to the land on the plateau of the hills as far as the Pykara river, the entertainment of this is surely not unreasonable when, following an enquiry instituted by the Tahsildar under the immediate orders of the Collector of Malabar, Mr. Sheffield, so far back as the year 1829, it was formally reported that it appeared "that the Numbulkode District extends up to the Pykara river."

10. I would also venture respectfully to submit that, on the only occasion on which I am aware of the Nellumboor Raja having had an opportunity of being heard on this matter, nothing could be fairer than his proceeding. Mr. Grant, Collector of Coimbatore, wished to have an interview with him. The Raja wished my presence, and Mr. Grant also desired it. The interview took place at Goodaloor, I think at the beginning of last year. The gist of what passed was this, that Mr. Grant told the Raja that if he would give up all claim to any land on the plateau, he, Mr. Grant, would recommend to Government to confirm him in that below, the plateau land however including the Chinchona plantations. The Raja, in reply, asked for the reason *why* he should thus surrender what he believed to be his? The rejoinder was, that if all *could* be explained to him, he would see it

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was an arrangement for his benefit. The poor Raja was fairly non-plussed. He believed all the land to be his, and could very naturally not see why he should voluntarily surrender a portion without any assigned reason whatever. He wanted his own papers of (so-conceived) title examined; but, when Mr. Grant told the Raja how he hoped he knew that if he himself were not satisfied on the rights of the question he would never urge what he did, the Tiroopaud at once, with the utmost candour and openness replied, that he had the most perfect confidence in Mr. Grant, and that he begged him to take and examine all the papers and pronounce a decision upon them, to which he would be ready to bow whatever it might be. In other words, he proposed that Mr. Grant should be sole arbitrator in the question. Mr. Grant, however, explained that the Raja's claim for the Chinchona land had put the Government in the position of a dependent, and that as he acted for Government, he could not undertake the proposed office. The conclusion on the Raja's part may be summed up in the question "then, what can I do—I look to the Government to protect me in my property, and I am told, without any reason for it, that I should give up a portion to enjoy the rest."

11. I have omitted to mention in its place, in reference to the Chinchona land on the ghát, stated to be Circar land, that on subsequently asking Dr. Macpherson how he knew it to be such, he told me that he knew nothing at all about it of himself, but that Mr. Melvor had so stated to him. Mr. Melvor naturally could know nothing of the fact of his own knowledge.

No. 220.

ORDER THEREON, 13th October 1865, No. 2,477.

Land Revenue.

1. The Government see no necessity for furnishing Mr. Ouchterlony with the copies of reports for which he asks, but he will be informed that the tract of land to which the Nelamboor Tirupad's claim has been wholly disallowed, is that which stretches from the Pykara river to the eastern boundary of Numbalacotta proper.

2. The Collector of Malabar will, on application, furnish Mr. Ouchterlony, as the Tirupad's Agent, with a tracing from the map and a nominal list of the points up to which, as constituting the eastern boundary of Numbalacotta proper, the Government have thought fit to leave his claims unquestioned.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To J. Ouchterlony, Esq.

To the Board of Revenue.

„ the Collector of Malabar.

„ the do. of Coimbatore.

Exd. S. T. Augustin.

To
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The Secretary of Government
Revenue Department

Sir,

I have had the honor to receive from the Collector of Malabar, with a letter dated the 21st 11th, Proceedings of Government dated the 30th March last, embodying copy of a letter of the Collector of Malabar dated the 2nd Sept. 1864, owing to my absence from Odessa, and an accident there, these papers have only reached me in the present month. I presume that they have been sent to me, on account of my having acted as the Kallumbar Raja's agent in communicating to the Government the claim, which he preferred to the land first cleared for Cinnamon cultivation on the Goodaloor plant.

2. As it would naturally be supposed that I should offer advice to the Raja in this matter, I have sought to obtain the further information that might enable me to do so; but I find that the reports, upon which the order of Government is based, are not in circumstances. The chief object therefore of my present letter is, to express a request that the Government will be pleased to

to cause my being furnished with
copies of the enclosures in Mr.
Hallard's aforesaid letter of the
2^d Sept. last, as, without them it
is manifestly impossible for either
myself or the Kallumbour Raja
to understand what the tract
in question is, & which the
Raja's claims are declared to be
"wholly invalid".

3. I would however desire
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to the Government certain circum-
stances, which might be deemed
to claim a modification of - if
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- the peremptoriness of the order
of the order of the 30th March last.

4. The 7th para of Mr. Hallard's
report shows that he is misin-
formed as to the circumstances
under which my own land was
acquired. It was, no simple passive
acts of official authority that
"allowed" the Kallumbour Raja to
dispose of it. It is now just
20 years since my attention was
first drawn to the spot. Finding
a waste jungle and knowing nothing
of native titles I concluded it to
be Government land, and applied
to the representative of Government
in Serabur, the Collector, for a
grant for certain tracts. The collector, the

late Commandant McCortally (an officer
who had had I believe the largest
experience of the habits of all Revenue
officers of modern times) informed
me in reply that the land did
not belong to the Government but
to the Kallumbour Raja, & whom he
considerately offered to introduce
me, though as Collector he could
do no more. My arrangements with
the Raja were then made with
his entire knowledge & throughout;
and nothing throughout this long
interval, until the late difference
about the Cinnabara plantation, has
either been said or done to im-
peach to me any doubt or question
of the validity of the acts.

5. May more. When the Raja
in the year 1847 or 1848 called for the
Collector's interference to restrain
a gentleman from interfering with
a part of his own land, McCortally referred
the official enquiry to Mr. Webster,
and the consent of the Raja to
give a grant for the land, was ac-
cepted as a conclusive settlement.
And again, when in 1855/6 I had
a dispute with a neighbour, the
then Collector, Mr. Clarke, deputed
his assistant, Mr. Cook to the spot,
and titles, derived from the
Kallumbour Raja, were alone referred
to as settling the apparent right.

The Raja's land was
granted in 1839.

6. In the foregoing I am alluding to the land below the plateau of the Dryberry Hills, and can only add, in respect of it, that I remember well Col. F. H. Hall, then the Engineer of Malabar, telling to me of this land as belonging to the Wellingborough Rajas, and therein showing that such was a universally received opinion.

7. If then (and remembering that the whole country about was a wild waste, or nearly so,) even if the Rajas were in error - which according to the opinion of the most experienced Revenue Officers of Malabar, he was not - in including this land to be in his possessions, it was surely a most excusable assumption, seeing how far a similar conviction of land, and how the very Collector of the District went forward to acknowledge its justice.

8. Then again, surely, the Rajas belief in the land of the first Cinchona garden on the footslope of Ghaut being his, was not unreasonable. When Dr. Letterson came to the Hills in some mission (what I have not noted) connected with Cinchona, he visited me at Waddiswath and expressed a wish to have some of my land for the purpose of cultivation. He had been informed

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at the same time informed me that a plantation was to be made on some Cinchona land. We did not visit these spots, and his explanations left me under a wrong impression regarding the localities. I understood the so-called Cinchona land to be beyond the Waddiswath and Traveller's Campstead, and my own somewhere near. But the fact was pleased to thank me for my readiness to give up my land for the purpose; and therefore, when the error was discovered and the land was found to be a certain distance down the footslope of Ghaut, with this recognition of the land on one side of the road being mine (that is in virtue of being held from the Wellingborough Rajas), while that on the other side was arbitrarily assumed to be Cinchona land, it was but fair reasonable that the Rajas should put forward his claims to the latter - especially when it is remembered that the line of Ghaut road had never been put forward at any time or in any way to determine limits of rights.

9. Yet further, upon that part of the question which concerns a pretension to the land on the plateau of the Hills as far as the Pythons

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so far back as the year 1829, it
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had an opportunity of being heard
in this matter, nothing could be
fairer than his proceeding. Mr.
Grant, Collector of Kumbalangi, wished
to have an interview with him. The
Raja wished my presence and
Mr Grant also desired it. The in-
terview took place at Pondaloor, I
think at the beginning of last year.
The gist of what passed was this,
that Mr Grant told the Raja, that if
he would give up all claim to
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to confirm him in that below the
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he would be satisfied in the rights of this
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he did, this Sir Grant at once,
with the utmost candour and
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Mr Grant, and that he begged him
to take possession of all the papers
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Grant should be sole arbitrator
in this question. Mr Grant however
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the Cinchona land had put the
Government in the position of a
Defendant, and that as he acted
for Government, he could not
undertake the proposed office. The
conclusion

