M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2821	Press	Mis.
1555-56 Dated	11-11-	19	1868

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
11th November 1868.

No. 155. Read the following Proceedings of the Board of Revenue, dated 30th September 1868, No. 6,926:—

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated 1st September 1868, No. 210.

1. In reply to your Official Memorandum, No. 915, dated 21st August 1868, I am at a loss to account for, or say on what grounds the Contractor Kishnama Naidoo sets up his claim to fell timber on the slopes of the hills of the Kolroy Mallais, where the Polligars themselves have hitherto asserted no such right. Very likely as the Survey Department placed their marks near the foot of the slopes, the opinion was entertained that, beyond these boundaries, towards the Kolroyen Hills at least, the Government did not make any claim. There is at this moment a suit pending in the Principal Sudder Ameen's Court on this point; the above Kishnama Naidoo having sued the Deputy Conservator of Forests for having interrupted his people from felling timber on the slopes of these said hills.

2. I have already forwarded to the Board a copy of the lease of contract obtained by Kishnama Naidoo from the Peria Kolroyen Jagheerdar, and they will see that no mention is made of the slopes of the hills. The Board is well aware that the "*watershed*" is the recognised boundary between villages in North and South Canara and other hill districts. The old sunnuds granted always entered the *watershed* as the boundary in the properties spoken of. Before this contract of Kishnama Naidoo, I am unware of any of the Polligars having asserted the claim now set up.

3. When on these hills with Lieutenant Walker last October, I observed that there were stones, pillars, (lying on the ground,) and mounds of stones on the breasts of the ghauts, which, to both of us, bore the appearance of boundary marks.

4. As to paragraph 5 of the Government Order, No. 2,977, dated 14th December 1867, endeavours have several times been attempted to effect a satisfactory arrangement with the Contractor Kishnama Naidoo, but without success. Doubtless he fancies that, by his determined opposition, Government will be inclined to stop further proceedings in the matter of renting out the hills from the Jagheerdar, and that the depredations made on the adjoining Government Jungles, under color of passes issued by him, may be carried on unmolested.

5. As the Contractor cannot be brought to terms, the only way for the Government to proceed is to allow the contract to continue. He will have to pay the amount due yearly by him to the Government, instead of the Jagheerdar, and after the Government have sanctioned the taking up of the lease offered by Lutchma Gounden, arrangements can be made to superintend the collections on the cultivation, &c., by which supervision over the acts of this Contractor can be carried on, and thus prevent the Government Jungles being clandestinely plundered. I will send for the Contractor and again endeavour to get him to come to some proper arrangements, and, if successful, report the result to you. The enclosures received are returned.

2 In para 3 of the

Enclosures Nos. 1 to 6.—Correspondence.

The Board do not anticipate any satisfactory arrangement being come to with the Contractor.

2. The circumstances of the case, as explained by these papers, shew that his position affords exceptional opportunities for illicit gains; and until by the arrangement proposed these are curtailed, there seems little chance of his voluntarily resigning them.

3. As the destruction of the forests, both Government and private, in the Kolroyen threaten extensive injury to the climate of the district, with which the public revenue as well as the public welfare is so intimately connected, the Board urge the renting of the polliem as a step in the right direction, and one dictated by considerations which outweigh the objections of possible pecuniary loss, and departure from general principles.

4. As regards the slopes, the Board suggest that the Collector be directed, in communication with the Deputy Conservator, to demarcate as a Government reserve whatever has not hitherto been claimed and enjoyed by the Polligars, and to warn the Contractor of such parts.

5. These forests will be laid down in the complete Survey Maps which Government have recently ordered.

6. The Board await the observations of the Collector, called for in Government Order, dated 14th August 1868, No. 2,167, before reporting on the merits of the suit. The Collector should state whether the three months' extension from 29th July was granted. As the right of Government is contested, the Board think the Collector should apply to be made a defendant, and conduct this part of the case.

No. 156. Order thereon, 11th November 1868, No. 2,821.

Forests, No. 4.

1. On the grounds set forth in paragraph 3 of the Board's Proceedings recorded above, the Government will no longer withhold their sanction to the arrangement recommended by the Board in their Proceedings under date 18th July 1868, No. 5,233. The Board will accordingly authorize the Collector to lease the Peria Colroyen Jaghire on the terms proposed.

2. The adoption of the course now proposed in paragraph 4 of the Board's Proceedings should be made dependent on the result of the suit now pending between the Contractor and the Deputy Conservator of Forests. In the G. O. under date 14th August 1868, No. 2,167, the Collector of Salem was called upon to submit his observations upon the Conservator of Forest's letter reporting the institution of the suit, and he was directed to send an immediate reply to paragraph 3 of the G. O. under date 14th December 1867, No. 2,977, in which a report on the Contractor's alleged claims to the slopes of the hills was called for. As no reply was received to this order, issued upwards of two months back, and as the suit came

on for hearing on the 29th ultimo, the Collector has been directed by telegraph to apply to the Court to be made a supplemental defendant in suit, and for a further extension of time for filing the answer. The Collector will be required to submit, through the Board of Revenue, an explanation of the delay which has allowed to take place in forwarding the information called for by Government.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

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

Exd. S. T. Augustin.

Revenue Depart. No

No. 2821.

Memo: for early orders on No. 3170.

A full summary of the correspondence on the subject given to the G.O. of 14th Aug/68 No 2166 will be seen in the Memo attached to that Order.

1. Consequent on a representation made by Lt Walker, Dy Conservator of the Salem Range, as to the inconvenience occasioned to the Govt Contractor, to the Govt Forest department, owing to the forests in the Peria and Chinna Colroyen Hills being closed to Contractors, the Govt in para 6 of G.O. 14th December 1867, No 2977 desired the Collector of Salem, in communication with the Conservator of Forests, to effect some arrangement for obtaining the control of the forests in both the Hollieurs.

2. In para 3 of the same

Govt. of Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated November, 11th.

Read.

Ended.

G. O., 11th November 1868, No. 2,821.

Read R. M. November 16th 1868

NOVEMBER.

Nos. 155-156.

Peria Colroyen Jaghire.—Board of Revenue to authorize the Collector of Salem to lease it on the terms proposed. Collector to submit explanation in delaying to submit his observations in connection with the suit instituted against Lieutenant Walker.

same order they desire the Board to call on the Collector to report on the claims which Lt. Walker states had been set up by the Contractor to fell timber on the slopes of these hills, where the Poligars themselves have hitherto exercised no such right.

3. The Board in their Pro: 18th July 1866 No 5233 submit for favorable consideration a proposal from the Collector that the offer of the Zeria Kolroyen Poligar to have his whole lease or coorg [illegible] Contractor Rd 1500 per annum should be accepted; an arrangement which they considers all calculated to lead eventually to the conservancy desired for the forests in question.

4. In respect to this proposal, it was remarked in G.O. 14th August 1868 No 2166 that the mere clearing of the cultivated villages of one of the Collieries by Govt while the forest tracts of both pose in the hands of an independent Contractor with a long lease, would be of very little benefit to the forest Dept and that the arrangement would further have the additional disadvantage of leaving to Govt the temporary management of the cultivated villages in the Collieries. The Govt therefore desire the Collector, thro' the Board, to report what [illegible] had been taken in pursuance of para 5 of their order of 14th Dec 1867, No 2977 above quoted, for obtaining the control of the forests in both the Collieries.

5. The Board now forward a letter from the Collector, in which that officer, referring to this order of 14th Dec 1867, states that rude works have been

tuned

made

tunes been attempted to effect a satisfactory arrangement with the contractor, but without success. The Board remark that the contractor's position affords exceptional opportunities for illicit gains, and that there is little chance of his voluntarily resigning them; & they again urge the retention of the one Policeman as a step in the right direction.

6. As regards the slopes, the Board suggest that whatever has not hitherto been claimed & enjoyed by the Polygars should be demarcated as a Govt reserve, and the contractor warned off such parts. It will perhaps be as well to await the result of the suit which has been instituted by the Contractor against Lt Walker to establish his right to the forests on the slopes of the hills referred to in para 2 above, before issuing any orders on this point. The Conservator's letter on the subject of this suit has been referred to the Collr for his observations.

The Bd have taken cognizance of new points (para 3) for their recons. & think they may appreciably lessen future loss of revenue from illicit cutting has long been going on & may be expected to continue, & may be as well to accept their view & get a lease of the one policeman in force to the enforcement of the new & other restrictions pointed to

WDR

A.P.A.

I would wait. Ld Goderich would like to have Mr Arbuthnot's opinion before sanctioning any alteration of the rates.

WDR.

A.P.A.

The application may be made.
It seems to be an obvious point in the suit, that a lease of the privilege of felling timber would establish a hereditary right for some one else in the soil, to the land under his lease may extend.

W.D.R

A.P.A.

In the meantime it is submitted that it will be advisable for the Collector to apply to be made a defendant in the suit (as proposed by the Board) and to apply for a further extension of time for filing the answer, the 29th October being the date now fixed.

5

Memo for early
Orders

Penia & Chinna Colroyen
Pattams in Salem Dist

Revenue Depart

D. 2821.

Proceedings of the Madras Govt
under date the 11th Novr 68

Read the following Bo: of the Bd of Revue

Virgin necessity
of renting forest tracts
in Koloroyen Mallies from
Poligars, and suggesting
that Colr be directed in
comun with Dy Conservator,
to demarcate the Govt reserve,
those portions of slopes of
Koloroyen Hills as have
not hitherto been claimed
& enjoyed by Poligars.

(M.L. 30th Septr 1868
No 6,926)

W.M.

N. B.A.

On the grounds
set forth in para 3 of the
Board's Bo: recorded above
the Govt will no longer
withhold their sanction
to the arrangement re-
commended by the Board
in their Bo: under date
18th July 1868 No 5,283. The
Board will accordingly
authorize the Collector
to lease the Penia Coloroy

dolphin on the terms pro-
-posed:-

2. The adoption of the
course now proposed in
para 4 of the Board's
Ro: should be made
dependent on the result
of the suit now pending
between the Contractors &
the Dy Conservator of
Forests:- In the G.O. under
date 14th August 1868 No 1167,
the Collector of Salem was
called upon to submit
his observations upon
the Conservator of Forests
letter reporting the insti-
-tution of the suit, and
he was directed to send an
immediate reply to para 2
of the G.O. under date 14th
Dec 1867 No 2977, in which
a report on the Contractors
alleged claims to the Sholes
of the Hills was called for:-
As no reply has as yet
been received to this order,
issued upwards of two
months back, and as the
suit came on for hearing
on

on the 29th instant, the
Collector will now be di-
-rected by telegraph to ap-
-ply to the Court to be mak-
-ing a supplemental defend-
-ant in suit, & for fur-
-ther extension of time for
filing the answer:- The
Collector will also be re-
-quired to submit through
the Board of Revenue, an
explanation of the delay
which has allowed
to take place in forward-
-ing the information
called for by Govt:-

14 Copies Letter No 2 Rev Dept: 12-
13 " Off: Conservator of Forests with Enclosures

40/4

Salem

Our Govt. Copy

No. 2821

Pro. of the Madras Government

Dated 11th November 1868

Pro. of the Board of Rev. dy 11th Novr. 1868 No. 3591

Pro. of the Board of Rev. dy 17th Novr. 1868 No. 3613.

No. 155-156

15-5-1876