M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	520.	Press ~~Mis.~~

S- 6

Dated 1st March 1869.

Not to be folded or roughly handled

No. 5. Read the following Proceedings of the Board of Revenue, dated 24th June 1868, No. 4,664.

Read the following letters:—

From the Collector of South Canara, to the Secretary to the Board of Revenue, dated Mangalore, 22nd September 1866, No. 180.

1. With reference to the endorsement of the Board, dated the 22nd December 1865, on Board Petitions,* Nos. 3,406 and 3,529 of 1865, addressed by one Kodath Chatoo and other inhabitants of the five Southern Maganies of the Cassergode Talook, in this district, calling upon me to report:—

* Herewith returned.

1*st.*—Whether the petitioners' assertion that the five Maganies in question formed a portion of the Malabar country is true; and

2*nd.*—Directing me to forward translations of the Court Decrees submitted by the petitioners, and to state, whether the points involved in these Decrees in any way affect the question at issue;

I have the honor to submit the following observations:—

2. The subject of Coomery cultivation has been so fully and exhaustively discussed in the former correspondence which has passed on the subject between the Government, the Board, and my predecessors, that it seems unnecessary for me to go over the same ground, or to reiterate the reasons which have led to restrictions being placed on this kind of cultivation, and the carrying out of which has called forth the present application.

3. Owing to the destruction of the records in this district, I have not been able to procure any information regarding the early history of the district as to the assertion now brought forward by the petitioners that the Maganies in question formerly belonged to Malabar. I therefore, addressed Mr. Ballard† on the subject, and after a careful and lengthened search of his records, that gentleman has now written to me to say that his records also do not afford the required information.

† 5th February 1866.

4. In coming, however, to a decision on the claim now *for the first time* brought forward by the petitioners, namely, their right to the entire forests and waste lands of the five Maganies as in the adjoining district of Malabar; this point would seem to be immaterial, inasmuch as after a very careful and prolonged investigation into the subject, it has been finally and definitively declared, that "while "in Malabar, Coomery, there termed Poonan, is carried on exclusively on lands "which are undoubtedly private property," in Canara "Coomery is simply a rent "or farm of the privilege of cutting forest or jungle in a particular tract, the con- "tinuance of which must depend on the pleasure of Government." With regard, however, to the statement now brought forward that these five Maganies were formerly included in Malabar, I would beg to submit that, since the cession of the Province of Canara in 1799, the Cavoy river has formed the boundary between the two districts, and although the tract lying between the Chandragherry and Cavoy rivers was doubtless included in the country formerly designated as Malayala, still there is nothing whatever to shew that, for the past sixty-seven years, these Maganies have had anything to do with Malabar, and their inclusion in the Doormuty Chittas or Registers made in the years 1801-02,, which are, I believe, peculiar

to the Province of Canara, and form the standard accounts of the district, shew, I think, conclusively that, for nearly three-quarters of a century, these Maganies have formed an integral part of Canara, and *not* of Malabar. It may also here not be out of place to quote an extract from Mr. Fisher's long and full report on the subject of Coomery, dated 30th August 1858, and in which (paragraph 50) and when referring to this very tract of country now claimed by the petitioners, that gentleman states that "in that portion of this district, south of the Chandragherry river, where the population is mostly Nair, and almost all the most wealthy families hold land both in this district and in the adjoining province of Malabar, (where nearly all forest is allowed to be private "property,) the extent of our ryots' Coomery "holdings, or rather the extent of them years ago, is entered in the Doormuty "Chittas as so many podipads," *thereby shewing that forest not so entered belonged to the Circar.* In point of fact, therefore, it is the very existence of these Doormuty Chittas that constitutes the only satisfactory documentary evidence the petitioners and others possess of their having any right to cut Coomery at all, and if further evidence were wanting to shew that the present claim of the petitioners is preposterous, it is to be found in the additional fact that in the Magani of Taikat, and which borders on the district of Malabar, there is no wurg Coomery at all.

A podipad is nearly the equivalent of an acre.

5. As directed in the Board's orders, I beg to enclose translations of the three Decrees submitted by the petitioners, and for the translating of two of which I am indebted to Mr. Ballard, they having been found to contain terms altogether unknown in this district. Two of these Decrees, and the land to which they have reference, would appear to be in the Cavoy Talook; the third Decree, however, adjudges certain lands including Coomeries to Kodath Kanna, (the uncle of Kodath Chatoo, the present petitioner,) in the villages of Kallaru and Belloor, in the Neileshwar Magani of the Cassergode Talook. There can be no question, also, that this is by no means an isolated case, and in a report,* submitted to the Board by Mr. Blane, upwards of nineteen years since, it is expressly stated that the Coomery tax having been entered in the ryot's puttah has come to be considered as having conferred the absolute proprietary right to the soil and everything on it, including the timber, and this is now transferred by sale, the same as a spot of cultivated land on which a regular assessment has been fixed. I may also take opportunity to observe that, since the Board's petition was forwarded to me for report, Chatoo, the leading man among the petitioners, has given before me a fresh petition with a list of ninety-three documents, according to which Coomeries are alleged to have been mortgaged or sold to him. I have gone through these cases, and admitting them all to be genuine documents, but which I conceive is more than doubtful, I find that they refer to lands only in three out of the four Maganies, and in eight villages out of sixty. Out of the ninety-three documents, seventy purport to belong to three villages in one Magani, twenty-one to three villages in another Magani, and the remaining two to one village in a third Magani. Doubtless, there may be other instances of transfers of Coomeries than these, but Kodath Chatoo is by far the largest and most influential landholder in that part of the country; in the settlement of this long vexed question it is, therefore, chiefly with him we will

* 31st August 1847, paragraph 21.

have to deal, and I have mentioned these facts to shew that the difficulties connected with the settlement of the question are by no means insuperable.

6. To come, however, to the question of how far these transfers and judicial awards of Coomery lands are binding on the Government, I have no hesitation in stating that, in my judgment, they are *not* so, and for the following reasons:—

1*st.*—The Government have finally declared that Coomery, as the name denotes, is a rent or farm of the privilege of cutting a certain portion of jungle, and does not confer any proprietary right in the soil; therefore, the party transferring such right could only transfer what he himself was in possession of.

2*nd.*—The Government cannot be bound by decisions to which they were not made parties, and in respect of which their rights, were not represented.

3*rd.*—The Government have all along asserted their right to an extra assessment on lands cultivated with Coomery, and the extent of which was not entered in the Doormuty Chittas; and

4*th.*—That in some number of cases in which the proprietary right to certain specified lands has been sold, transferred or adjudicated on by our Courts, the parties making the transfer had not even an acre of Coomery shist entered in their puttahs, and had no right or rent or privilege to transfer, much less the land on or in which that right or privilege might have been exercised.

7. In connection with this subject, I beg to enclose, for the information of the Board, a Statement shewing the extent of Coomery as entered in the Doormuty Chittas, compared with that admitted by the ryots to be in their possession in Fuslies 1258 and 1260, distinguishing, as far as possible, the different ways in which the lands have so come under cultivation. I should, however, observe that this statement is far from being complete, as it contains only the statements of those parties who came forward to give in their accounts; not of those who either declined to do so, or to take any notice of the requisition. I observe that, from the information then before them, Government, in their Proceedings of the 23rd May 1860, paragraph 10, observed that the probable extent of Coomery, in the Bekal Talook, is not far short of 70,000 acres, and in the past six years, and especially as the ryots have been successful in keeping the orders of Government and of the Local Officers in abeyance, the probabilities are, that the extent has not decreased. It is true that yearly what is termed in Canara a survey of the extent of Coomery actually cultivated takes place, with the ostensible view of ascertaining what excess has taken place over the amount allowed to be cut by each Wurgadar in the license granted to him, and bringing that excess to account by levying from him four times the ordinary tax; but the results are so small, and the temptations to fraud and peculation must be so great and irresistible, that the whole matter may be considered as a farce, and the sooner it is done away with, the better; it is utterly demoralizing to the class of servants engaged in it, (generally the Monigars from the Cundapur Talook, with the Revenue Inspectors of the talook,) and must tend, in my humble judgment, to bring the authority of Government and its Officers into contempt.

8. There is also another matter connected with Coomery, and which I am especially anxious to bring to the notice of the Board, and that is that, although land is now ostensibly taken up for the purpose of Coomery cultivation, there is good reason for believing that in practice, and although a partial burning does in some instances still take place, the chief object in taking up land is for the purpose of cutting and selling the firewood growing thereon. Large quantities of firewood are exported annually from this part of the district, both for the Mangalore and Bombay markets, and I am credibly informed that, in the past year, the present petitioner (Chatoo) made not less than Rupees 3,500 by the sale of firewood from Coomery lands, and a brother of his is also stated to have made Rupees 2,500. In further proof of this fact, I may state, that I lately deputed my Assistant (Mr. Sturrock) to examine a spot not far from Cassergode itself, where a relative of the present petitioner was stated, by the Forest Department, to have cut down some teak trees, and where, on examination, a large quantity of firewood somewhat charred was found stocked, and ready for transport by water.

9. There can, I think, therefore, be but little doubt that, however large the profits of Coomery cultivation may be, the value of the firewood cut down, or removed there-from, forms not a small part of the proceeds, and the reckless way in which the jungles are, and have been, allowed to be cut without any attempts hitherto having been made for their renewal, forms, I conceive, an irresistible argument that the restrictions ordered to be placed on Coomery, years since, should, once for all, be effectually and efficiently carried out. I observe, from a late volume of the Board's Proceedings, that the Madras Railway Company have great difficulty in securing a proper and continuous supply of firewood, and were the question of Coomery once finally and definitively set at rest, I have little doubt that under a proper system of conservancy, and with careful management, the jungles of the Cassergode and Uppinangadi Talooks would furnish an ample supply, and which could easily be shipped by native craft to Beypore.

10. To return, however, to the subject of Coomery, and the restrictions to be placed on it, as the Board are probably aware, a set of rules were drawn up by Mr. Webster and approved by Mr. Morris, in the year 1864, and were attempted to be put in force by Mr. Sewell last year, but without success. The most important of these rules was, that around each year's Coomery, the Wurgadars should cut a path or ditch; and that each year's block being cleared contiguous to that cut in the preceding year, in this way, in the course of eight years, a ring-fence would be found all round the extent of each man's holding. The Wurgadars, however, with the exception of two, declined to do this *ostensibly* on account of the expense, but doubtless, in reality, because they were unwilling to have any restrictions at all; this is proved to demonstration by the petitions now before the Board.

11. The question, therefore, now is, are these restrictions to be carried out or not, and in what way are they to be carried out, and at whose expense.

12. I presume it is the intention of the Board and Government that they should be carried out, but as it is clear the Wurgadars will not do so of their own accord, or unless the license to cut Coomery is altogether withdrawn, I beg to be favored with the instructions of the Board, as to what further action I am to take in the matter.

Proceedings of the Madras Government, Revenue Department,
1st March 1869.

13. After much reflection on the subject, in my judgment, the only satisfactory way for the settlement of this difficult and long pending question is, that

Pros., Madras Govt. 23rd May 1860, page 3.

adopted by Captain Anderson in the Bidi and Padshapur Talooks of the district of Belgaum, in the year 1859, namely, the assignments of certain tracts of country which must be well and clearly defined by boundary marks, and within which, only Coomery cultivation will be allowed to be carried on. On a reference to this paper, it will be seen that lands requiring a fallow of about eight years, and capable of growing a crop for two years, were made over; but in the Maganies of the Cassergode Talook, I would be inclined to give to the owners of those wurgs which are entered in the Sarasari Chittas, twelve times the extent of the land they were allowed to cut annually; in fact, this period (twelve years) is entered in all the Doormurty Chittas in this part of the district, and looking to the prescriptive right which has been so long held and possessed over the extent of land, and which possession has for so many years been at least acknowledged by the Government and its Officers, I conceive that they should be somewhat liberally dealt with.

14. I would, however, also strongly recommend that in making the final allotments, advantage should be taken, as far as possible, of natural, and well-defined boundaries, and that in securing this object, a small excess in the area to be marked off should not be taken into account. I would also strongly urge that no second-crop assessment should be levied on any of these lands: the sacrifice of revenue would be but trifling, and the petty annoyance and demoralization caused by an annually recurring inspection by a low-paid class of Officials, would be altogether done away with.

15. I would only, in conclusion, add that it seems to me that the expenses of demarcation must be incurred by Government; but if my suggestions are approved, and the matter carried out as it would be done either by myself in person, or by one of my European Assistants under my orders, the expenses would be but trifling, and could probably eventually be met by the sale of the firewood cut in clearing the boundaries. It would, however, be more satisfactory if a definite sum, say Rupees 300, were placed at my disposal for the purpose, and if I am favored with early orders on this reference, I have little doubt but that this question may finally be set at rest during the present Fusly.

ENCLOSURE No. 1.

ABSTRACT.—Statement shewing the extent of Coomery cultivation, in the Cassergode Talook, in the district of South Canara.

ENCLOSURES Nos. 2. and 3.

ABSTRACT.—Translations of Decrees.

ENCLOSURE No. 4.

ABSTRACT.—Translation of decision of Mahammadi, Sudder Ameen.

From the Acting Collector of South Canara, to the Secretary to the Board of Revenue, dated Mangalore, 17th July 1867, No. 126.

1. I have the honor to submit the required report on the enclosed petitions.*

* No. 3,343 of 1866.
,, 69 of 1867.
,, 76 of ,,

2. I regret that, by a mistake of my Office, Petition No. 76 of 1867, was not before me when addressing the Chief Secretary to Government, in the letter† of which I enclose a copy for the Board's information. It will be seen that I have admitted the existence of the serious evil complained of, and suggested a remedy.

† Dated 2nd July 1867, No. 23. Public Department.

3. As to the origin of the evil, however, I cannot agree with the petitioners. I cannot see that the Coomery rules can be fairly taxed with it. It appears to me that the main object of the petitioners in addressing the Government was not so much to be protected from the inroads of wild beasts, as to obtain a relaxation of the Coomery rules. This indeed seems to be the one end of all the enclosed petitions; for, though complaining of several evils, they all tend towards one point, and are only so many different ways of pressing their one request—a removal of all restrictions on Coomery cultivation. In disposing of these petitions, therefore, it will be necessary to re-consider the whole question of Coomery in all its bearings, and it will recur to the Board to refer to my predecessor's exhaustive report on the subject, dated 22nd September 1866, on which report, no orders have yet been received.

4. In the first place, I should premise, that these petitions are not the *bona fide* voice of the people of Canara, but are to a certain extent got up by specially interested parties, who have both collected and invented signatures to add weight to their petitions.

5. The several arguments adduced to fortify the request are, that the beasts of prey have increased upon them; and the price of grain has risen to starvation point; the occupation of many has been taken away from them; and the prices of fuel and timber have also risen extravagantly; and for all these evils the one sovereign balm is the removal of the restrictions on Coomery clearings.

6. With reference to the wild beasts, it can scarcely be concluded that the Coomery restrictions are answerable for their increase, while we have before us the fact, that their numbers and ravages are greatest in those very Maganics or localities† in which the Coomery cultivation is least restricted. Coomery is a clearing, cultivated for one year or two at most, and then abandoned for a fresh clearing. When abandoned, the underwood that springs up forms a closer shelter than the higher and heavier, yet underneath more open, virgin forest. Though the wild beasts, therefore, leave those parts which are actually under cultivation, simply because they are then, and only then, quite open and frequented by man, they return to them so soon as they spring up again after being abandoned, and so soon as they are forced to return to them by being driven out of the virgin forest before another fresh clearing. Coomery cultivation, therefore, would not appear to affect the question one way or the other,

* Cassergode.
Nileshwar.
Allwatnadu.
Padwanadu.
Kavenadu.

except that it is more difficult to track and shoot those wild beasts that frequent the forsaken Coomery clearings than those that inhabit the less dense cover of the natural jungle. I observe that, eight years ago, Dr. Cleghorn* was of the same opinion, remarking that "the dense thorny scrub, which succeeds a deserted Coomery, harbors destructive animals to a greater extent," than the "lofty forest open below." The real explanation of the increase of wild beasts is to be found, I conceive, in the large clearings for coffee on the top of the Coorg ghauts, which being kept permanently open and frequented, the wild beasts have naturally retreated from them to the Canara jungles, both natural and Coomery created.

* Enclosure to Proceedings of Government, 23rd May 1860, No. 830, paragraph 10.

7. If Coomery were treated in the same manner as coffee, namely, by making one clearing and keeping to it, then every increase in Coomery would tend more and more to circumscribe the borders of the beasts of prey, and they would, as elsewhere, gradually retreat before the cultivator; but with yearly changing, yearly overgrowing clearings, they do not retreat but only roam.

8. I do not find that there is any complaint of a paucity of fire-arms calculated to affect the question.

9. I should not leave this subject without drawing attention to Mr. Cadell's remarks on there being much more cry than truth in the statement that Coomery† cultivation has been restricted. Rules have from time to time been made, and restrictions laid down on paper, and endeavors made to enforce them; but the acknowledgment of every Collector has been, that they have nevertheless been most successfully evaded. Mr. Cadell having manifested a determination to take the matter strenuously in hand, fears were entertained for the future. Hence the petitions under report.

† Mr. Cadell's letter to Board, 22nd September 1866.

10. I come next to the statement that grain has risen to starvation prices from the same cause; the Coomery restrictions.

11. That the price of grain did rise in the year complained of, is quite true; but what was the cause is another question. It should be remembered, that the year under complaint, was the famine year, and that the grain of this district was drawn on in that peculiarly unfavorable year for the coffee laborers of Coorg, and for exportation generally. It is also fair that we should allow that the extent of grain cultivation has, to some extent, been affected by the restriction on Coomery cultivation, though the pressure has been relieved, in the natural and proper manner, by an increase of legitimate cultivation on other lands. The accounts shew an increase of 2,356 acres, and a recent local survey has brought to light that there is very much more that is not brought to account. Some diminution in the extent cultivated may also be fairly attributed to the transfer of energies to the clearing of the jungles for the sake, not of cultivation, but of exporting the firewood reaped, a much more valuable crop than any grain.

See Mr. Cadell's letter, 22nd September 1866, paragraph 8, *sc*
See also infra paragraph 25.

12. With reference to the statement that many cultivators have lost their means of subsistence, it will suffice to point out that the Coomery cultivators are the

very class who have been employed in cutting firewood instead; that their having neglected their cultivation for more lucrative pursuits should of itself have had a tendency slightly to aid in raising the price of their food was natural, though they did not apparently calculate for it, and are certainly not in a position to complain.

13. With the mass of information and the variety of opinions already before the Government and the Board, on the question of Coomery, I cannot add anything to the former, though I may, perhaps, be allowed the opportunity to add one to the latter.

14. Government has already* decided that even Wurg Coomery is not the proprietary right it has been claimed to be, and so far as its continuance has been permitted, it has been only "as an act of grace." The rules, however, which were drawn up by Mr. MCWebster, approved by Mr. Morris, and are now before the Board with Mr. Cadell's recommendation,† appear to me to involve future complications, in that they admit the right of the Civil Courts to adjudicate before entry on claims to enter on Government lands, and make Coomery clearing thereon; the distinctions between right and privilege appear also too nice, and calculated to bring us round, in the course of a few years, to a renewal of the claim to Coomery as a matter of right.

* Proceedings of Government, 23rd May 1860, No. 830, paragraph 8, &c.

† 22nd September 1866.

15. I venture to think with the Government of 1860, that "there is no good reason why the subject of Coomery should be dealt with so tenderly." The claim of a right to Coomery has already been fully weighed and rejected, the question of expediency only remains, and the time has come, when that can be considered with freer reference to the broad principles of Political Economy, less cramped by the former necessity for weighing local wants and habits. It is no longer necessary to bolster up a district as a whole, and provide by means of Coomery privileges that it shall produce within its own limits dry grain for its own poor, as well as rice for its rich. Improved communications by sea and land have made it less dependent on itself alone, more an integral part of the Continent of India. If on account of the extraordinarily liberal rain-fall, the Western Coast is more essentially a land of wet crops and gardens, it would appear to be false policy to hold out unusual inducements for the growth of somewhat unnatural products. I can understand that in the earlier times, prior even to Munro's settlement, the very lax and liberal Coomery taxation should have had its natural origin, not only in the local requirements to which I have referred, but also in the prevalent idea that it was good policy to hold out every possible inducement to the redemption of the impenetrable forest. The aspect of the country is now, however, exactly reversed, and we have to view the question from the very opposite stand-point. The petitioners themselves complain, that fuel and timber have reached extravagant prices. It is proper, therefore, I think, that, excluding from the question those arguments by which it may be considered to have been formerly overlaid and governed, we should consider it solely on its present merits.

16. I would reduce the question of Coomery to two points: the produce and the producer, or more properly the produce and the land-tax to be imposed on the producer.

Proceedings of the Madras Government, Revenue Department,
1st March 1869.

17. The produce, as I have already stated, should not, in my humble opinion, be forced, but being put on the same footing as other products, should be allowed to find its own level. I speak chiefly with reference to the millets and other dry grains which are generally the after crop on Coomery lands, the first crop being usually rice. I say nothing here of the difficulty in crediting that such inferior grains require such very* superior culture. I only argue that even if it be admitted that they do require it, it is wrong policy to give it.

* Para 20 infra.

18. The land-tax should in my view be imposed on the same principle as the rest of the land-tax all over India, with reference mainly to the productive power of the unmanured soil; and that done, the question of fallows should, as elsewhere, be left to settle itself. From this point of view, I reduce Coomery to a simple question of fallow. It is urged, though with what justice remains yet to be seen, that Coomery cultivation requires a fallow of eight or nine, formerly twelve years, and both Mr. Webster's proposed rules, and the former orders of Government, virtually treat it as a fallow, allowing this† period of years to elapse before the land is again considered cultivable and taxable, and allowing the Wurgadar to hold it free, and to the exclusion of all others for this period. It is, however, a principle that the Board and Government have nowhere else followed, not even in the vexed matter of the Barthi lands of the Nilagiri Badagars. It is a principle of which I would venture to question the soundness, without the necessity for troubling the Board with my reasons.

† Government Orders, 3 years.
Mr. Webster's rules, 8 years.

19. I submit that it would be a sounder measure to fix on the land a light and liberal assessment with reference to its productive properties, and then leave the cultivator to be his own judge in the matter of the fallow he requires, to which end I would so provide that he should not be at liberty to enter on new forest while abandoned Coomery remained available; he might increase or decrease his holding at pleasure, but not simply change it.

20. Mr. Webster's rules when analized amount to this; they provide for eight times the required amount within certain fixed limits at one Rupee a cultivated acre, with the exclusive right over the uncultivated seven-eighths. This amounts to two Annas an acre on the whole land held for Coomery. This is a rate of land-tax which I consider unnecessarily low, and scarcely worth the process of levying. I have not heard of such a low rate elsewhere, and though I must admit that I have not seen, and till the monsoon and virulent fever have in some measure abated, cannot well see the lands of which I write, still I find it hard to believe that lands capable of growing forest are not worth more than two Annas per acre, the more so when I find Mr. Cleghorn extolling their productiveness eight years ago,‡ and with the enhanced prices of all grains, the profits of the cultivator must have greatly improved since then. I am confidently assured that for the privilege of working a Coomery on which the Government demands only one Rupee per acre, the Wurgadar

‡ Enclosure to Proceedings of Government, 23rd May 1860, No. 830, paragraph 13.

receives from his tenant Rupee 8 per acre, besides the wood cleared, and this latter, exported to Bombay, is the more valuable half of the consideration. Though paying this tax to the Wurgadar, the tenants make higher profits from their luxuriant crops, than do the ordinary cultivators of the open country. Such is the liberality of the rain-fall, and the fertility of the soil, enriched as it is by the best possible vegetable manure formed from burnt forest on virgin soil, that on the steep hill sides, and without any bunds or levelling, the most luxuriant crops of paddy are grown. The first crop is generally paddy, the after crop, millet. It would seem to be a fair conclusion, therefore, that Mr. Webster's rate of two Annas per acre, is very unnecessarily low.

21. But it will be of little use my proposing a more adequate assessment unless I have the means of applying it, and this I cannot do without a regular survey defining the limits of lands that have and may be taken up from time to time; or without running a ring-fence or boundary marks round allowable Coomery blocks, as suggested by Mr. Webster, and recommended by Mr. Cadell.

22. The latter is in my view open to many objections, and at best a temporary make-shift, and I beg to urge again the oft and earnestly repeated request for a regular survey and settlement. The urgent necessity for it has been strongly pressed by my predecessors* Messrs. Blane, Maltby, Morris, and Cadell, and the last named gentleman has shewn that,† to a considerable extent at least, it would be the source not only of prospective but of immediate profit to Government; so that the objection of expense can now be urged with only much diminished force to postpone the performance of this imperative duty to the people of Canara. The iniquitious litigation,‡ the rampant forgery, and consequent insecurity of property, and facility and necessity for corruption, call for the application of this only permanent remedy much more imperatively than the not slight interests of Government, and the inequality of the land-tax. It is a very much more crying evil than Coomery, though the subject of providing against Coomery has led to my mentioning it as lying in my view at the root of the proper settlement of the Coomery fallow question.

* Mr. Blane's Report to the Board of Revenue, 20th September 1848, No. 74, paragraphs 68, sc.
Mr. Maltby's Jummahbundy Report for 1259 Fusly, paragraphs 40, etc.
Mr. Morris, 22nd December 1863, No. 223, and 12th January 1865, No. 3.

† 20th August 1866, No. 159, paragraph 10, to Revenue Board.

‡ For the extent of the litigation see the simple fact that there are nine District Munsiff's Courts and two Sudder Ameens, while there are only five Tahsildars in this district.

23. In one of the petitions the question is asked why they are not placed on the same footing as Coffee Planters. It is a fair question, and it would be a fair position to give them; but I think they would complain even more loudly if they found they had to buy the right of entry at auction, and pay for a survey, as well as one Rupee per acre of grass, and two Rupees per acre of forest instead of two Annas per undefined and very elastic acre of fresh forest as at present. The present and proposed rate is itself a perfect premium on Coomery cultivation, giving it a very unfair advantage over legitimate cultivation, and this premium is still further enhanced by the sale proceeds of the exported fuel.

Proceedings of the Madras Government, Revenue Department,
1st March 1869.

24. In conclusion, I beg to point out that the present favorable position of both Wurgadar and tenant suffice to explain the stoutness of their objections to interference therewith.

25. It is worthy of note that the petitioners couple with their prayer about Coomery a subject apparently unconnected, the high price of fuel and timber. It would seem that the inhabitants of the jungles should be the last to complain of pressure in this respect, the last to seek a return to the License system. If it were employ they wanted, they could easily obtain it as legitimate cultivators, or as fellers under either the Forest Department, or the District Jungle Conservancy as managed by my predecessor, Mr. Cadell. But in truth, the two subjects are as far as concerns the petitioners intimately connected, for, as explained by Mr. Cadell, Coomery means with them a forest clearing not so much for the purpose of cultivation as to export the firewood to Bombay. A return to the License system means also a return to the liberty, practically unchecked, of extending their operations to other Government Forests, and exporting the firewood wholesale to Bombay. The Bombay demand has so influenced the market, that the price of firewood is in Mangalore just double what it is in Madras. Mr. Cadell endeavoured to check the export, and supply the towns people by ordering that the firewood cut by his Department, should be brought to Mangalore and sold there; but I am informed that much never reached the town, and that most of what did, was bought up by speculators, not for local sale, but for exportation to Bombay.

26. I am afraid it is vain to endeavour to check the exportation, and I doubt if it would be advisable even with the aid of a legalized export duty. I propose to mark off the jungles to be worked for firewood, and to advertise the liberty of working them for six months to be for sale at a certain upset price which I would calculate equal to the present seigniorage rates on the estimated amount of firewood available, on condition of no saplings under three inches in diameter being felled, or roots or stumps removed, and having advertised, I propose to leave time enough for intending purchasers to see the woods for sale before bidding at auction.

27. The timber is under the charge of the Forest Department, and the petitioners can buy their timber there.

28. The extravagantly enhanced value of both fuel and timber, points rather to the increased necessity for more careful conservancy, than to a return to the lax License system.

29. I should add that Mr. Webster's rates have not been brought into play, for Mr. Morris was removed just at that time, and Mr. Cadell thought it best to wait the reply of the Board to his letter, dated 22nd September 1866, and pending these expected instructions, held Mr. Webster's rates in abeyance, and ordered that Coomery cultivators should be prosecuted criminally for trespass. Mr. Whiteside took no steps in the matter. Finding that the effect of Mr. Cadell's order was to overburden the subordinate Magistracy with a multitude of Coomery cases, I have revived Mr. Webster's rule, as sanctioned by Mr. Morris, that Rupees 8 shall be the assessment per acre on all Coomery *not* authorized by Government orders, and ordered that criminal prosecutions shall only be instituted in the case of old Coomery offen-

ders. I hope these orders may, as a temporary measure, have the sanction of the Board.

30. For my future guidance, I await the orders of the Board and Government.

ENCLOSURE No. 1.

ABSTRACT.—Copy of letter addressed to Government, dated 2nd July 1867, No. 23.

ENCLOSURES Nos. 2 to 4.— Petitions.

RESOLVED that these letters be submitted for the consideration of Government.

2. In Petitions Nos. 3,406 and 3,529 of 1865, the inhabitants of the five Southern Maganics of the Cassergode Talook, in the district of South Canara, complained to the Board against the restrictions enforced with regard to Wurgadar Coomery, and asserted that they possessed rights in the waste lands and forests of their villages, similar to those held by the inhabitants of Malabar, derived from their ancestors, and recognised by the Courts.

3. Mr. Cadell's letter of the 22nd September 1866, is a report on the subject of these complaints, in which he shews conclusively that these alleged rights are not and never have been proved or admitted; but recommends on the ground of the length of time during which Coomery privileges have been countenanced and enjoyed, that the Wurgadars should be dealt with liberally, though the restrictions which have been imposed on this species of cultivation should be rigidly maintained.

4. In January and February, the Government referred for report, through the Board, Petitions Nos. 3,343 of 1866, and 69 and 76 of 1867, in which complaints are made of the abolition of Sircar Coomery, and the enforcement of Forest Conservancy, and a rise in the price of grain, and an increase in the number of wild beasts are attributed to those measures.

5. Mr. Thomas's letter of the 17th July 1867, shews clearly that it is neither necessary nor desirable to revive Sircar Coomery. It is still allowed in a few cases only in accordance with Government Order, dated 23rd May 1860, No. 830, which prescribes that it shall not be cut without previous permission, which must be granted sparingly. From the Collector's Settlement Report for Fusly 1275, it appears that 803 acres of Coomery were then cut in Cundapur, and 156 acres on Kumaky land in Uppinagudi.

6. Mr. Thomas is of opinion that the Wurgadar Coomery of Cassergode should be prohibited as stringently as Sircar Coomery; that a light assessment should be fixed on all land with reference to its productive properties; and that Wurgadars should be prevented from entering on new forest whilst abandoned Coomeries are available, and allowed to increase or decrease, but not simply to change their holdings.

7. Even if this proposal were adopted, the Board doubt whether it could be carried out, and the cultivators prevented from concealing cultivation or changing

Proceedings of the Madras Government, Revenue Department,
1st March 1869.

their holdings and burning down belt after belt of forest without much of the same kind of evil as now attends the annual Coomery surveys. But if it were otherwise unobjectionable, the Board would not be prepared to advocate a change which is opposed to the views of those who have had most experience of the district, and which would cause great discontent and suffering, by putting an end to privileges which have some shew of foundation, and which have been acknowledged by the Board, by Government, and by the Secretary of State. The Board are of opinion that the reasons which induced Government, whilst putting an end to Sircar Coomery, to allow Wurgadar Coomery to continue in the Bekul Talook still exist in all their force.

8. The only question which, in the Board's opinion, now calls for consideration is as to the character of the restrictions under which Wurgadar Coomery should be placed, and as to how they should be enforced. Mr. Cadell alludes to rules prepared in 1865 by Mr. Webster, and approved by Mr. Morris, which he supposes must have been seen and sanctioned by the Board. In this he is mistaken. The rules were laid before them for the first time in the form of a Canarese document and translation, which formed one of the enclosures to Petition No. 3,406 of 1865. The General Rules in this paper are the rules sanctioned by Government Order, dated 24th October 1861, No. 2,032. The Subordinate Rules provide that each Wurgadar shall be restricted to limits circumscribing a block containing eight times the extent which may be cleared annually, and that Coomery cultivators must hold Special Permits. They contain directions as to the extent to be specified in the Permits, and as to the persons to whom they should be issued, and they refer rival claimants in some instances to the Civil Courts. They inflict a penalty of Rupees 8 per acre on clearings in excess of the quantity indicated by the Permit, when such excess amounts to ten per cent.

9. Mr. Thomas considers that these rules are faulty, inasmuch as they encourage Wurgadars to claim Coomery as a right, and allow the Courts to interfere; but the Board being of opinion that the right should be admitted and defined, see no reason why the Courts should not take cognizance of it, and believe that the rules are well calculated to effect the desired object.

10. Mr. Cadell states that the most important of the rules is one prescribing that each Wurgadar's Coomery land should be marked out, so that he may not cut beyond certain limits. This Mr. Webster proposed to effect by making the Wurgadar surround each year's clearing with a path or ditch, and place it contiguous to that of the previous year, so that in eight years the whole block would be demarcated. The Wurgadars will not consent to this, and there is no prospect of its being effected unless Government will themselves undertake the labor and expense. The Board fear that the outlay will be greater than Mr. Cadell anticipates; but there is no other means of preventing the Wurgadars from cutting more forest than they are entitled to. The annual surveys which are held at present, though the labor they entail is so great that village officers have to be sent from one end of the district to the other to perform them,* are utterly use-

*Paragraph 7 of Mr. Cadell's letters.

less and ineffective, simply because the Surveyors know not where to direct their operations which may be required at any or every part of a most indefinite area.

11. The Board accordingly recommend that Government will sanction such expenditure as the Collector may find necessary to mark out the blocks with which the Wurgadars may be permitted to cut Coomery.

12. With regard to the size of the blocks, the Board are disposed to concur with Mr. Cadell who proposes that they should comprise twelve times the annual extent allowed, and that advantage should be taken of natural boundaries even when a small additional area is thus to be included. Mr. Fraser and Mr. Webster thought that eight times the annual extent would be sufficient; but Mr. Cadell's proposal is in accordance with the custom of the talook as confirmed by the public records, and its liberality will probably go far to remove the obstacles to the scheme apprehended by Mr. Fraser when the same course was advocated by the Board

Board's Procs. 6th May 1861, No. 2,309.

13. The Acting Collector will submit, for the information and approval of the Board, a copy of Mr. Webster's rules, and indicate any alterations or additions which he may think necessary to guard against the abuse of Coomery privileges. He will also explain what Mr. Cadell refers to when he speaks, in paragraph 14 of his letter, of the "second crop assessment" levied on Coomeries.

No. 6. ORDER THEREON, 1st March 1869, No. 520.

Miscellaneous.

1. The disposal of the foregoing papers is delayed, pending the reply of the Board of Revenue to the Memorandum from the Government Office, under date 24th July 1868, No. 94, calling for certain information regarding the Wurgdars of the Casergode Talook.

2. The Board will now be requested to expedite their reply, and also to submit the Acting Collector's reply to paragraph 13 of their Proceedings.

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

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated March, 1st.

Recd. *Encl*

G. O., 1st March 1869, No. 520.

MARCH.

Nos. 5-6.

Wurgdar Coomery in South Canara.—Board of Revenue to expedite the submission of their reply and that of the Collector on the subject.

II Subordinate Rules.

Rule 1. A forest or woodland that may be used for 8 years cultivation shall be separated out for each Estate except in cases hereinafter described. It has been strictly forbidden that the Ryots could cut any Coomeries without the boundaries of each place & each Ryot is to cut 1/8 part of his whole Coomery in the land every year. In available & expedient cases, forests attached to the Estate and those that have been cut before must be given separately.

Case I. In the estates paying Shist & Shamil a person having claim to cut whole of the Coomeries in his Estate cannot be compelled to cut every year, Coomeries under 10 Rupees. Such Coomeries may be cut down in any of the fixed times which he should settle in the Commencement; but he should cut down only such Coomeries for which he has paid on account of his availing himself of the right of cutting the same in the previous years. Thus, a person paying a Rupee as Coomery Shist & Shamil is entitled to cut 1/8 acres of Coomery land every year. If he wishes to be cut 8 acres once in two years or 16 acres once in four years.

Case II If a person has right to cut Coomeries of several Murys in a village, he should be directed to use that privilege at one & the same place.

Rule 2. No Coomery can be allowed to be cut without a Pass. Anyone acting contrary to this Rule will be prosecuted according to Law either for trespass or Pilferage as the case may be.

Rule 3. Koodatalakars of each estate will be furnished with forms as they are the parties from whom Seerwa will be demanded & the collection made

Rule 4. Before the time of Tahsildars arrival, the Chambrogue should, from Awarzee account & Register of transfers of Koodatalas, prepare a Register for each proprietor

specified for each estate pointing out in that the Coomery Shist & Shamil which he is to pay. Inorder to effect this, the Sahaildar should issue a notice directing all Coomery-Wurgdars & Koodathaldars to be present with all documents requisite to establish their right at certain place & time.

Rule 5. In Case of any right to the Coomery being mortgaged or otherwise transferred, the Mortgagee cannot be furnished with forms unless his name is Registered either in the Sarargee account or Register of Koodathala.

Rule 6. If all the Koodthaldars of the estate do admit of the Coomery Shist & Shamil being paid by any separate person or persons, and of the amount of that Shist and Shamul alleged to have been paid by individual does not, when added together exceed the amount specified in the Chittah of the Wurg, such persons shall be furnished with forms for the alleged amount.

Rule 7. If, when added together, the amounts which the Koodathaldars consent to pay towards the Coomery Berij, exceed the net amount of Coomery Shist & Shamil, mentioned in the Chittah, the surplus is to be taken off, deducting the average amounts from the amounts alleged by them, and the forms will be furnished only for such portion of the sum in question.

Rule 8. Forms cannot be supplied to such Koodathaldars whose right to Coomery has been denied by the other such Koodathaldars, & whose right has been taken forcedly by him, till he must get his right established in the Civil Court in a Suit against the other parties.

Rule 9. In the event of one of several of the proprietors having no lands of the character of Shan Paidy in the estates having Shanmody & Coomery Shist & the Berij, they pay, must be considered as Coomery Berij, and the

Rice-fields

and forms should be furnished on that account. For the rest of the Coonery that forms shall be given according to Rules 6 & 7.

Rule 10. If the Coonery Ghat and Ghaut-Animals which every Proprietor pays, were mentioned either in the Havarjee accounts, or in the Register of transfers of Hoodthalas forms shall be given for that purpose.

Rule 11. If any one considers that the Coonery which has been cut by the other, ought to have been cut by himself, he may request the Civil Court to have his name registered in the Register of Hoodthala.

Rule 12 In the Commencement of December of each year, forms shall be supplied to Hoodthaladars showing the Amount to what extent Coonery may be cut by each person in the ensuing year.

Rule 13. When the Hoodathaladar himself endeavour to cut Coonery he should enter his name in the form for the full amount of Coonery. If he will have the Whole of the Coonery to a portion of it cut either by himself or tenant or other person, he should specify in the forms the amount of Coonery to be cut down by himself and other person respectively. The total number of acres cannot exceed the amount fixed down in the form.

Rule 14. The forms thus filled up should be delivered over either to Sahuldar or Shanbogue before 31st of December each year.

Rule 15. If they were delivered to Shanbogue, he should immediately forward them to Sahuldar.

Rule 16. On the receipt of this, the Sahuldar shall scrutinize them and give order to cut Cooneries and a Pass to Hoodthaladar. This Pass should reach the Hoodthaladar before 15th of January.

Rule 17. Revenue Inspectors & Circargars should begin to survey the

the Coomery land in the months of September. If the Coomery so Cut exceeds the prescribed Amount of area by ten per centage, such Cases shall be immediately reported to the Sahsildar. In Cases in which the land so Cut does not surpass the above mentioned limit, they have nothing to do more than entering the net amount in the list which ought to be sent to the Sahsildar after their Enquiry is over.

Rule 18. If this amount exceed the one prescribed by ten per centage, such Khudthaldar will be liable to pay Rs 8 per acre of the land respectively cut, without any distinction as to whether it was cut by himself or by his tenants. He will be allowed its Cost.

Rule 19 As the Sahsildar has been ordered to prepare Registers this year, forms will be given next year according to this Register.

Consequently, individuals who have obtained Coomery lands from the persons whose names will be registered in the Register, should make a request either to Sahsildar or Civil Court according to the provision of the law to have their names also entered in the Register in Question.

Rule 20. After the distribution of one years hasp, if any person obtains a Judgment in the Civil Court he should immediately enforce the effect of the Judgment and if he produces before the Sahsildar an order of the court to the effect that the Judgment has been enforced, he should be furnished with a supplemental Pasp, on the Cancellation of the former one.

Rule 21. Persons aggrieved of by the decision of the Sahsildar in distributing forms, may appeal against the decision affecting them within one month from the date of passing of such decision to the immediate superior of the Taluq Sahsildar.

Rule 22. Persons who are awarded to pay an aggregate amount of Teerwa mentioned in the Rule 18. shall appeal against the same award during the time of the Jummabundy of their Magany. After that time no appeal will be admitted.

(Signed) A. M. C. Webster

(L.S.) A. A. Collector

Given to Kesduthachautthoo on the 17th April 1865

(Signed) Isobran

Tahsildar

I ಸಮುದಾಯವಾದ ಕ್ರಮಗಳು.

1. ಯಾವತ್ತು ಸರಕಾರ ಕುಮ್ರಿ ಮನ್ನಾ ಆಗತಕ್ಕದ್ದು.

2. ಯಾವಾಗಲೂ ಕಡಿಯದೆ ಇರುವ ಯೆಲ್ಲಾ ಅಡವಿಗಳಲ್ಲಿ ಮತ್ತು 9 ವರುಷಗಳಿಂತ ಹೆಚ್ಚು ಕಾಲದ ವರೆಗೆ ಕಡಿಯಲ್ಪಡದೆ ಇರುವಂಥ ಯಾವದೊಂದು ಅಡವಿಯಲ್ಲಿ ಸಹ ಕುಮ್ರಿ ಮಾಡುವದು ಮಾಡುವಂಥಾದ್ದು ಮುಂದಿನವಾಗಿ ಮನ್ನಾ ಮಾಡಲ್ಪಡುತ್ತದೆ.

3. ಘಟ್ಟದಿಂದ ಕೆಳಗಿನ ಕುಮ್ರಿ ಕಿಸ್ತು ಮತ್ತು ಕಾಬಲಿನ ಪ್ರತಿ 4 ಆಣೆಗೆ ಹೊಂದು ಯೆಕ್ರೆ [illegible] ಕಡಿಯುವರೆ ಅಪ್ಪಣೆ ಕೊಡತಕ್ಕದ್ದು. ಮತ್ತು ಯೆಕ್ರೆ ಹೊಂದಕ್ಕೆ ಹೊಂದು ರೂಪಾಯಿ [illegible] ಯ ವಸೂಲು ಮಾಡತಕ್ಕದ್ದು.

4. ಮೊದಲಿನ ವರುಷದಲ್ಲಿ ಕಡಿದಂಥಾ ಕುಮ್ರಿಯ [illegible] ಮತ್ತು ಗಡಿಗಳೊಳಗೆ [illegible] ಮಾಡಬಹುದಾಗಿರುತ್ತದೆ. ಇದಕ್ಕೆ ಯೆಕ್ರೆ ಹೊಂದಕ್ಕೆ ಹೊಂದು ರೂಪಾಯಿ [illegible] ಕೊಡತಕ್ಕದ್ದು.

5. ಈಗ ಕುಮ್ರಿ ಬಗ್ಗೆ ಉಪಯೋಗಿಸಲ್ಪಡುವ ಯಾವ ಸ್ಥಳದಲ್ಲಿ ಆದರೂ ಮರಗಳು [illegible] ಸರಕಾರದವರು ಸ್ವತಂತ್ರವುಳ್ಳವರಾಗಿರುತ್ತಾರೆ. ಮತ್ತು ಅಂಥಾ ಸ್ಥಳಗಳಲ್ಲಿ ಇನ್ನು ಮುಂದೆ ಕುಮ್ರಿ [illegible] ಮಾಡುವದಕ್ಕೆ ಅಪ್ಪಣೆ ಕೊಡಲಾಗದು.

6. ಇನ್ನು ಮುಂದಕ್ಕೆ ಯಾವನೊಬ್ಬ ರೈತನು ತನ್ನ ಸ್ವಂತ [illegible] ಮಾಡ ಯಾಗಿನ [illegible] ಆದಾಗ್ಯೂ [illegible] ಕಡಿಯುವದಕ್ಕೆ ಮತ್ತು ಇರುವ [illegible] ಯಾವ ಸ್ಥಳದಲ್ಲಿ ಆದರೂ ಕುಮ್ರಿ ಕಡಿಯ ಬಹುದಾಗಿರುತ್ತದೆ.

II ವ್ಯಕ್ತಿಮಗಳು.

[illegible]

To the President and Members of the Board of Revenue.
Fort Saint George.

The humble Petition of the under
signed Inhabitants of the 5
Maganies namely Padavanad
Kayathal Havinad Niliswaram
and Alavuttanad attached to the
Taluq of Hasergode in the District
of South Canara-

Gentlemen,

With reference to the Endorsement
of your honorable Board made on our Petition
No 66 of 1865 on the 11th February 1865 referring
us to the Collectors Endorsement dated 26th September
1864, stating that they see no reasons to interfere
in the matter; we about 30 Ryots in number have come
to Madras and beg to bring to your Honorable
Boards information and Consideration that our
is a Case calling for more deliberate Consideration
than falls to the lot of the generality of
Petitioners-

Before dwelling upon the grievances
we must with by the Collectors Endorsement
submitted with the Petition alluded to, we think it
is most necessary to put your honorable Board
in

the

No 340 6.
Recd 13/66
two enclosures.

ಕಲೆಕ್ಟರನ ಯಕಾಯದ ಪ್ರಕಾರ ಕಾಳಿಗಳಿಗೆ ಸದರ ೨ ಪಟ್ಟಿಯಲ್ಲಿ ನಮ್ಮ ಹೊಣಗಳನ್ನು ಕಾಲು
ಆ ಮಾಡುವ ಅರೆ ಮಾಡತಕ್ಕದ್ದು.

20 ನೇ ಕ್ರಿಮ. ಹೊಂದು ವರ್ಷದ ಪರ್ಯಂತ ಬಹುಮಾಡಿ ಅಗಸಂಗಡ ಹೊಸ್ಪಟ್ಟಿಯಲ್ಲಿ ಹೊ
ಮಾಡಿಸಿಕೊಳ್ಳಲು ಪರವಾಗಿದೆ, ಅಗತ್ಯ ಹಾಗಲ್ಲ, ಪರಾಕಿನ ತಮಗೆ ಬಾಕಿ ಮಾಡಿದವರ
ಕೊಡ್ಲು. ಮತ್ತು ಅಪ್ಪಿನಲ್ಲಿ ತಮಗೆ ಬಾಕಿ ಹಾಕಿಯದೆ ಯೇರ ಅಗ ಕಾಳಿಗಳಿಗೆ ಸೇರಿದ ಪರಾಂ
ತಮಗೆಲ್ಲದಾಗ ಮಂಡಿ ಮಾಡಿದ ಪಟ್ಟಿಯಲ್ಲಿ ಅಗದೆ ಹೊಂದ ಸಟ್ಟಿಮೊಂಡಿ ಮಾಡಿ ಕಾಳಿಗಳಿಗೆ
ಆ ಬಾಕಿ ಕಟ್ಟು ಮಾಡತಕ್ಕದ್ದು.

21 ನೇ ಕ್ರಿಮ. ಹೊಮಗಿನ ಕಾಯವಹಿಸಿ ಪರಾಕಿಲಾದಾಗ ಸಟ್ಟಿಗಳಿಂದ ಅನ್ಯಾಯ ಬಾಧ
ಆದ ತೀರ್ಪಿನ ಅಪೀಲಾದ ಹೊಂದ ತಿಂಗಳ್ಳಿಗೆ ಅಲಾಗಾ ಯಾವ ಅಧಿಕಾರಿ ತೀರ್ಪಾ ಹೊಂ
ನ ಇರುತ್ತದೋ, ಅಂಥ ಅಧಿಕಾರಿಗೆ ಅಪೀಲಿ ಮಾಡತಕ್ಕದ್ದು.

22 ನೇ ಕ್ರಿಮ. 18 ನೇ ಕ್ರಿಮದಲ್ಲಿ ನಮೂದಿಸಿದ ಪಟ್ಟಿ ತೀರ್ಪಿಗೆ ಹೊಂ ಪರಾಕಿಲಾದ ಬಾಕಿ
ತೀರಾನಂದ ಸಟ್ಟಿಯಾಸಭ್ಯ ಪರಾಕಿ ಅವರ ಮಾಗಣೆ ಜಮಾಬಂದಿ ಅಗಾದಾಗಲಾದಲ್ಲಿ ಅಪೀಲಿ
ಮಾಡತಕ್ಕದ್ದು. ಅಗಾದಾಗ ಅಧಿಕಾರಿಗಳ ತೀರ್ಪಿನ ಪ್ರಕಾರ ನಡೆಯಿಸಲಾಗುತ್ತದೆ.

W M Kelsall
Asst Collr

ಕಾರ್ಯಾಲಯದ ಶೇರಾ ಕಾಗದ
ಇ ಕಾ 17—4—1865

J Graeff
Asst

B.
Received Communication
Petition (Endorsement
Circuit No
Canara Taluq
Kasaragode
Collector of Canara
Date
Recd 22/4/65
Answered

in mind that the 5 Magannies (Divisions) to which the said number of other Pyots belong, were originally formed a portion of the Native princes of the Malabar District, and that therefore it is highly incumbent on your Honorable Board to bear in mind that the nature of the land, and the management thereof, are in these provinces as in the original District (Malabar) — as the Malabar District, the Comarie land is treated on its original footing, that is, the Comarie — The soil which it comprises is not ordinarily arable, but is stony and covered with Jungle trees — The inhabitants from time immemorial used to cut the trees reclaim the land, and cultivate it — The holders of this Comarie land used to clear and cultivate to the extent which they possess, once for 12 years, but as the such reclaimed lands will not prove fertile or productive if cultivated within 12 years it is therefore cultivated once in 12 years, and the Circar too has approved of the system — These are the true facts of the land in question — It is further to be borne in mind that the holders of such Comarie lands have from time immemorial proprietory right in them with the power of transferring them to each other by sale mortgage &c —

The

3 ——— The complaint which we made in our Petition No 66 alluded to, was no other than that we were under the accompanying printed Rules framed by the Collector of the District, plain Quite in a reverse state as regards the Comarie lands of our 5 Magannies (Divisions) to that in which such similar lands of the Malabar Dist are to this moment allowed to remain on the same unaltered and ancient footing, i.e. to cultivate it once in 12 years, to pay only one Seera (tax) on the portion tilled, and not to subject to further Seera for the second crop thereon raised, while we (the inhabitants of the 5 Magannies) have been compelled to clear the Comarie land in 8 years, to pay a Seera 4 times higher than the ancient rate in Malabar, as also to pay additional Seera for the 2d Crop &c

——— Below our representing to the Collector the inconveniences which we have experienced by doing as the rules advertised to prescribe, that authority took no notice of our grievance, but simply has added that the arrangement was the order of his predecessor, and on appeal, your Honorable Board referred us to read his (Collectors) Endorsement —

——— As by this Endorsement we have no other alternative than regarding this Honorable Board,

Board to Consider that having no other appellate power to listen to our grievances, we therefore were Compelled to present this Petition with full hopes they they will not ^ go unconsidered the privileges which the inhabitants of the bordering Magarees of the Malabar District enjoy as above mentioned and that, if they have any doubt as to our assertions on the points, they would not go undecided to the matter being referred for their further enquiry and report.

We therefore your Honorable Board with bearing in mind the universal and ancient privilege continued to us by the Government also be pleased to reverse the arrangement made by the Revenue Authorities in accordance with the same rules, allowing us to enjoy the same privilege as heretofore Continued, for the following cogent reasons;—

I Because to compel us to cultivate the Comaree land in 8 instead of 12 years, is opposed to Manor and disadvantageous to us, i.e. ; for instance— Suppose a Royet possesses 120 acres of Comaree soil, he is now permitted to cut trees and reclaim 10 acres per year— During a period of 8 years now Compelled to cultivate he has to cultivate only 80 acres out 120 ; thereby it is clear that he was a loser of 40 acres in his occupancy.

Because

II Because formerly tax was fixed upon the Comaree land as Moodie extent, deducting at the same time also the stony space in the same Moodie— But now the tax is fixed upon acre-form, which is op in extend in preference to Moodie— Hence the Royet is not only made to suffer the deficit in the land but also is denied the deduction of stony spaces— a circumstance which makes us losers doubly—

III In cultivating the Comaree land in 8 years as now compelled, the charges of cultivation are high and less profitable—

V Because the Collector limits the Royets occupancy, i.e. that the circar will deprive the boundaries ; that the Royets shall not cultivate other than the same land— This arrangement is not legal ; for, the Royet of those 5 Magarees possess proprietary right in the land as is the case in Malabar, but the circar has nothing to interfere with such our right— If any excess were found in the land fixed by the Collector, it may then be ordered to levy the tax at usual rate—

V The object of the recent interference of the Circar with Comaree soil is, we submit, with

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with a view to have its control over the same soil and to have its timbers to its necessities- To this we assure this Honorable Board that with the exception of our 5 Magazines wherein we possess proprietary right to this description of lands, there are several other Magazines in the Taluq Caseyode, and several other Talugs of the District in all of which the Royals possessing no proprietary right, the Circar has ample means of satisfying their necessities as regards the timbers in the Forest or Comaries lands thereof- However the Circar will not be disposed to include our 5 Magazines in the same tenure as in others parts of the Canara District-

Therefore we beg to state that most of the Royals of these 5 Magazines possess no other fields but the Comaries said herein mentioned; that if no indulgent permission is given in order to treat them in accordance with the ancient privileges they are likely to emigrate and that your Honorable Board will therefore be pleased to issue speedy instructions to the local authorities; for this is the reasonable time

Under B

of cutting trees, and bringing the Comaries said into cultivation-

For this act of Benevolence, we as in duty bound shall ever pray

Madras—
13th November 1865-

the

Revenue Department

No. 520.

Proceedings of the Madras Government

Under date the 1st ~~February~~ March 1869.

Read the following

Proceedings of the Board of Revenue

Submitting with retained letter from Collector of South Canara reporting on Petitions Nos. 3406 & 3529 of 1865 &c from certain inhabitants of five Southern Maganies of Tasergode Taluk complaining of the restrictions enforced with regard to Warga dar Tenancy.

(Here Enter 24th June 1868 No 4664.)

The disposal of the foregoing papers is delayed pending the reply of the Board of Revenue to the Memo from the Government Office under date 24th July 1868 No 94 calling for certain information regarding the Warg dars of the Tasergode Taluk.

The Board will now be requested to expedite their reply; and also to submit the

Canara Cases

Rec. 22nd Sept 68
Issued 30th Sept 68
Reply 1st Dec 68
Form Station Rec
Cancelled & Returned
Collr in Sept 1865.

Cancelled

Rec. 13th Dec 1865
Issued 15th Dec 1865
Reply 13th December 1865
Cancelled

Rec. 22nd Sept 68
Issued 30th Sept 68
Reply 1st Dec 68
Form Station Rec
Cancelled & Returned
Collr in Sept 1865.

the Acting Collectors Reply
to para 13 of their Proceedings.

14 Copies Tolte &c of Revd Dewpt & Dd Marats