

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	520.	Press ~~Mis.~~
<u>S- 6</u>		
Dated	1 st March	1869.

Not to be folded or roughly handled

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

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

* Herewith returned.

Kodath Chatoo and other inhabitants of the five Southern Maganies of the Cassergode Talook, in this district, calling upon me to report:—

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

2nd.—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 there-

† 5th February 1866.

fore, addressed Mr. Ballard† on the sub-

ject, 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.

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 continuance 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 Door-muty 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 Maganics 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 showing that forest not so entered belonged to the Circar.* In point of fact, therefore,

A podipad is nearly the equivalent of an acre. 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.

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 Coomerics to Kodath Kanna, (the uncle of Kodath Chattoo, 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

* 31st August 1847, paragraph 21.

Mr. Blanc, 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, Chattoo, the leading man among the petitioners, has given before me a fresh petition with a list of ninety-three documents, according to which Coomerics 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 Maganics, 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 Coomerics than these, but Kodath Chattoo 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

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:—

1st.—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.

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

3rd.—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

4th.—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 speculation 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 (Chattoo) 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 therefrom, 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.

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 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 showing 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.

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

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

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

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

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.

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

* Cassergode.
Nileshwar.
Allwatnadu.
Padwanadu.
Kavenadu.

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,

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

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

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

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.

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.

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, &c
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.

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.

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

† Government Orders, 9 years.
Mr. Webster's rules, 8 years.

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.

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 analyzed 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

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

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

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 iniquitous 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.

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.

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-

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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

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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.

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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.

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 Coomerics.

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.

AL

a kind of dry
cultivation cur-
ried on in the
forests.

- 1 All Circular Coomenies are to be abolished.
- 2 Coomany cultivation has been strictly prohibited in all forests which are not heretofore cut and in those that are not used for this purpose for upwards of 9 years.

3. Crooneries that are included in the
Estate shall be ordered to be cut down
(2) a fixed --- at 1 acre for each Acres of ⁽²⁾ Thist
money of four and a Sierra shall be
(3) additions to and a Sierra shall be
the Thist levied at the rate of one Papuperance
1. Barred

(3) additions to
the index.

4 - Orkull Cultivation may be carried on within the boundaries & extent of the Coomery that was cut down the previous year.

5. Government are at free liberty
to plant trees in all places that
have been now used for Cooring
cultivation.

6 No Ryot will be allowed hereafter to cut CORMORIES which situate any where else except those that lie either within the boundaries of his own Village or that of any other village of which CORMORY he is entitled to cut ^{according to} ~~under~~ Government accounts.

the

70

THE BOARD OF REVENUE

Liccd.

Index

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

INOS. 5-6

Margdar 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 ^{anyone} the could cut any Coomeries without the boundaries of such 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 Shik & Shamil a person having claim to cut whole of the Coomeries in his Estate cannot be compelled to cut every year, Coomeries under 10 Ropies. 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 Ropie as Coomery Shik & Shamil is entitled to cut 4 acres of Coomery land every year. If he wishes, he can 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 Warg 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 Raf. Anyone acting contrary to this rule will be prosecuted according to Law either for trespass or mischief as the case may be.

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

Rule 4. Before the time of Tahsildar's arrival, the Chambogue should, from Bwarjee account & Register of transfers of Boodatalas, prepare a Register for each proprietor

proprietors of an estate pointing out
in that the Coomery, Chit & Chamil,
which he is to pay. In order to
effect this, the Sahildar 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
ent Coomery being mortgaged
or otherwise transferred, the
Mortgagee cannot be furnished
with forms unless his name
is registered either in the
Kawazee account or Register of
Koodathala.

Rule 6. If all the Koodathaldars
of the estate do admit of the
Coomery Chit & Chamil being
paid by any separate person
or persons, and if the amount
of that Chit and Chamil 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

with forms for the alleged amount.
Rule 7. If, when added together,
the amounts which the Koodathal-
dars consent to pay towards the
Coomery Beriz, exceed the net
amount of Coomery Chit & Chamil,
mentioned in the Chittah, the
surplus is to be taken off, de-
ducting 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
ent Coomery has been denied
by the other such Koodathaldars
& whose right has been taken
forced by himself. A suit gets his
right established in the civil court
in a suit against the other parties.

Rule 9. In the event of one or several
of the proprietors having no lands
of the character of Dhanmady in
the estates having Dhanmady &
Coomery Chit, the Beriz, they pay,
must be considered as Coomery Beriz,
and

Pine-fields

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

Rule 10. If the Coomery Chist and Ghamil-Animists which every Proprietor pays, were mentioned either in the Awarzee accounts, or in the Register of transfers of Goodthala, forms shall be given for that purpose.

Rule 11. If any one considers that the Coomery 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 Goodthala.

Rule 12. In the Commencement of December of each year, forms shall be supplied to Goodthala dars showing the amount to what extent Coomery may be cut by each person in the ensuing year.

Rule 13. When the Goodthaldar himself endeavours to cut Coomery, he should enter his name in the form for the fall

fall amount of Coomery. If he will have the whole of the Coomery, or a portion of it cut, either by himself or tenant or other person, he should specify in the form the amount of Coomery to be cut down by himself and then person respectively. The total number of acres cannot exceed the amount put down in the form.

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

Rule 15. If they were delivered to Shambogue, he should immediately forward them to Sahildar.

Rule 16. On the receipt of this, the Sahildar shall scrutinize them and give order to cut Coomerics and a Pap to Goodthala dar. This Pap should reach the Goodthaldar before 15th January.

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

the Croonery land in the months of September. If the Croonery So Cut exceeds the prescribed Amount of area, by ten per centage, such Cases shall be immediately reported to the Tahsildar. 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 Tahsildar after their Enquiry is over.

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

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

Consequently, individuals who have obtained Crooneryland from the persons whose names will be registered in the Register, should make a request either to Tahsildar 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 year's paf, 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 Tahsildar an order ^{of the Court} to the effect that the judgment has been enforced, he should be furnished with a Supplemental Paf, on the Cancellation of the former one.

Rule 21. Persons aggrieved by the decision of the Tahsildar 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 Tahsildar.

Signes/Goebman
Schneider

ಪಕ್ಕಾಕರದೇ-
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[illegible]

ಇದರ ಮೂಲಕವೂ ಮಹತ್ವವನ್ನು ಸಾಬೀತುಪಡಿಸುತ್ತದೆ.

ಶಿವರಾಜರ ಯಶಸ್ವಿ ಪ್ರತಿಷ್ಠಾಪನೆಗಾಗಿ ಸರ್ವ ರಾಜ್ಯದಿಂದ ಸಮಗ್ರವಾಗಿ ಕಾರ್ಯ
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20 ನೇ ತಿಂ. ಪೂರ್ವ ಪರ್ವತ ಶಾಸನಗಳ ಬಹುಮಾನದಿಂದ ಅಧಿಕಾರವನ್ನು ಪೂರ್ವ ಪರ್ವತ
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M. K. K. K.
K. K. K.



ಕಾರ್ಯದರ್ಶಿ ಕಛೇರಿ
 17-4-1865

J. K. K.

Collector of Coimbatore
Madras
17-4-1865

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

The humble Petition of the Under
 signed, Subhabitants of the 5
 Magaries, namely Padavonad
 Jayakhal, Ravinad, Nilivaram
 and Maruttanad attached to the
 Taluq of Kasargode 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 Collector's Endorsement dated 26th September
 1864, and stating that they see no reason to interfere
 in the matter; we about 30 Ryots in number have come
 to Madras and beg to bring to your Honorable
 Board's 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 grounds
 we put forth by the Collector's endorsement
 submitted with the Petition alluded to, we think it
 most necessary to put your honorable Board
 in

The

in mind that the 5 Maganies (Divisions) to which we
and number of other Ryots belong, were originally
formed a portion of the Native princes of the Mala-
bar 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 the same position as
in its original District (Malabar). - In 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
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 Circular 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, proprietary right in them with the
power of transferring them to each other by
sale or 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, placed
quite in a reverse state as regards the Comarie
lands of our 5 Maganies (Divisions), to that in
which such similar lands of the Malabar Dist.
are to this moment allowed to remain on their
same unaltered and ancient footing; i.e. to
cultivate it once in 12 years, to pay only one Seera
(tax) on the portion sown, and not to be subject to
further Seera for the second crop thereon raised,
while we (the inhabitants of the 5 Maganies)
have been compelled to clear the Comarie land
in 8 years, to pay a Seera 5 times higher than the
ancient rate in Malabar, and also to pay additional
Seera for the 2d crop &c.

4 - - - Upon our representing to the Collector
the inconvenience which we have experienced by
doing as the rules advised 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 (Collector's)
Endorsement. - As by this Endorsement we have
no other alternative than requesting 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 that they will not go unconsidered the privileges which the inhabitants of the bordering Magazines of the Malabar District enjoy as abovementioned and that, if they have any doubt as to our assertions on the points, they would not go underfoot to the matter & being referred for the fuller enquiry and report.

We trust therefore your Honorable Board will, 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 Comarie land in 8 instead of 12 years, is opposed to our Mamoot and disadvantages to us; for instance—suppose a Royet possesses 120 acres of Comarie 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 of 120. It is clear that he was a loser of 40 acres in his occupancy.

Because

II Because formerly tax was fixed upon the Comarie land on 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 less in extent in preference to Moodie's. Thus the Royet is not only made to suffer the deficit in the land but also is denied the deduction of stony space—a circumstance which makes us losers doubly.

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

V Because the Collector limits the Royet's occupancy, i.e. that the circle will define the boundaries; that the Royets shall not cultivate other than the same land. This arrangement is not legal; for, the Royets of those 5 Magazines possess proprietary right in the land as is the case in Malabar, but the Circle 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.

VI The object of the recent interference of the Circle with Comarie soils is, we submit, with

the

Under date the ^{March} ~~1st February~~ 1869.

Read the following.

Proceedings of the Board of Revenue

Submitting, with remarks letters from
Collector of South Canara reporting on Petition
No. 340, & 359 of 1865 &c. from certain inhabi-
tants of five Southern Nagarnies of Coorg
Taluk - complaining of the restrictions enforced
with regard to Mangadur Connery.

(Here enter 24" June 1868 etc.)
466.

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
Wargads of the Casargode
Taluk.

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

Greenland.

Collinsboro 17th 1885.

Dec. 27 1/2 / 68
 Jan 1 1/2 / 69
 2108 27 / 85
 2193 - 1 - 2 - 27 / 85
 2193 - 1 - 2 - 27 / 85

Yours Obedient Son

instructed of the

5. *Agave* *Drummondii*

the day in

Carrollville

Wiederum

Alfred
~~Young & Co. Boston~~

4th December 1865

866

McKinnon, David

[Signature]

Back on train

12000/50

for General

Wiedersehen werden

John Ballou

to the Ancient
Civilization of -

Do not neglect
the children

don't know it

Handwritten signature: *Handwritten signature*

the Acting Collector's reply
to para 13 of their Proceedings.

14 Copies Taken of Paul Decret 22 March.

L. J.

11.11.11
Camp, N.H.

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