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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Dated	25.10.1872	196 .

Not to be folded or roughly handled

My dear Madam

I think from
your letter ~~it~~ is the
best - my dear
the letter to his
P. Works have to do
officially - for him
I am, dear Madam

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Mr. Lincoln
consist of
that the first
copy may be
accepted
L.H.
30.5.72

My dear Huddleston

There are 10
printed copies of a
letter for the Chief
Secretary (Revenue Dept)
Mr. Robinson sent me
from Aden

Will you accept
the letter as signed & an
I enclose the due form?

like I wish it.

I do not see how
he can make it
officially - being
so full in forma-
tion - and besides
he has no right
to interfere - I don't

Just, I must send
the MSS. which is terrible
to look at.

Yours very truly
J. Grose

May 28

To

THE CHIEF SECRETARY TO GOVERNMENT,
Fort Saint George.

SIR,

In the course of the recent debate on the Bill to continue the Income tax, I ventured to say that I think that the action recently adopted by the Bombay Government in respect to the revision of assessment in North Canara deserves the observation of the Government of Madras, as this action conveys a menace against all the fixed settlements of the West Coast Districts—Canara as well as Malabar—and cannot fail to cause wide-spread anxiety.

I am not fully acquainted with the case as it represents itself to the Bombay Government, but I have reason to believe that it is fairly represented in the article published in the *Statesman* of the 29th January last—the full exposition therein promised was stopped by injunction of the High Court—to which I would venture to draw attention. I do so with the more confidence because I know that if not actually communicated to Mr. Knight by Government officials, the views therein expressed are endorsed by the highest officials of that presidency, by one of whom it was sent to me as the true statement of the Bombay case.

It will be observed that the matter is treated from a purely economic view. Permanence of existing settlement—moral or actual—is denied, and we are told, "were the Government not to press their claims upon these" (the land-holders of North Canara) "it would be guilty of a great public wrong." This sentiment impugns the past administration of the Province during three-fourths of a century by the Madras Government, and indicates the character of the taunt which will assuredly be made against the Government of Madras, should it fail to follow the example set by the officers of the Bombay Government. Thus, the suit

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Memo. 148
Mr. J. Woodhouse
for his information
with approval
Secretary
J. W.

pending before the High Court of Bombay may prove a cloud no bigger than a man's hand, yet full of future confusion and trouble in respect to the hitherto wise and faith-keeping policy of the Madras Government, in the administration of those difficult Districts, Canara and Malabar.

It will be within the recollection of Government, that a mere unfounded rumour that the transfer of South Canara to Bombay was in contemplation produced the utmost anxiety in that district about a year ago, and a widely signed Petition deprecating such a measure was forwarded to Government, and, I believe, to His Grace the Secretary of State. Indeed, I can conceive nothing which so certainly is doing the work of alienation and distrust of our ulterior intentions amongst the West Coast populations, as this action of the Bombay Government, and I earnestly hope that the Madras Government may see their way to enquire about it, and may be allowed to consider the effect of persisting therein on their own populations before it is pushed to extremities.

I trust that I may be acquitted of pragmatical interference in a matter of this kind, more especially at a time when proceeding on leave. But I am deeply interested in the history and well being of the province of Canara, with which I became connected now well nigh 30 years ago. I have been associated with able Collectors,—such as H. M. Blair, Findlay Anderson, the Messrs. Maltby and others,—whose interest and acquaintance with Canara date still further back, and I have further taken special care to acquaint myself with almost every paper that ever has been written in connexion with Canara. I therefore claim some special knowledge of the subject of which I venture to write.

These facts and the conviction that a very important issue is at hand, must be my plea for addressing Government at this time. I do so more especially as I see reason to fear that the issue of the suit pending before the High Court of Bombay will in all probability be adverse to the interests of the

people, and may be deemed a justification for setting aside all moral and political obligations in respect to the ancient land settlement of Canara and perhaps of Malabar.

I am not sure that taking an article in a public journal as the basis of an address of this kind is quite in order, but I do so because I believe it to be a more or less authoritative exposition of the Government case, and it affords a useful starting point for the remarks I venture to make.

The first position taken by those who are upsetting the long existing conditions of landed property in Canara seems to be to raise a doubt as to the fundamental point that the entire district is and has been for centuries a proprietary district in the strictest and most extensive sense of the word—a country where all property (except only escheats for want of heirs and *unclaimed* waste) is the exclusive property of private individuals and families under rights as complete and exclusive as is the land of England. On this point there cannot be the slightest question—the fact is recorded in the history of the country and its people and on the agrarian conditions and institutions handed down from time immemorial, and is abundantly affirmed by the results of our own researches. This constitutional state of property was acknowledged and continued to the people by our early settlement, a fact which is established beyond the reach of cavil by the early Reports of Sir Thomas Munro and subsequent Collectors; by letters of the Government of Madras to the Court of Directors, and the Despatches of the Honorable Court; by the 5th Report of the Board of Commissioners, and other testimonies written and practical (such as absence of *Inams*, &c.) which are simply too numerous to quote. I endeavored to throw a few together in my Minute on the subject of Canara woodlands, dated 3rd December 1870, to which I venture to allude. In all these respects, the ancient condition, as we found it in the latter end of last century prevailing throughout the West Coast,—Canara and Malabar—is absolutely identical.

I must admit that I have long entertained a deep conviction that great injustice

has been done to the native landed proprietary of Canara by that nibbling at and attempt to explain away proprietary right over *all land* (not distinctly acquired by Government by escheat, forfeiture, or otherwise,) which has long characterised our rule in Canara. It has long been given up in Malabar, and in every respect the ancient condition of the two districts was precisely the same in respect to the right of property. The only difference between the two provinces was that a longer period of Tippu's rule and its more vindictive character after the sad peace of Mangalore (1784) had the effect of breaking up somewhat more extensively the larger principalities, and causing a larger escheat of property for want of heirs.

But to return to the article which I have incidentally alluded to, the writer in a reckless and disingenuous endeavour to controvert one of Sir Thomas Munro's most distinct enunciations on this fundamental point, states two propositions which he considers to be quite incredible by any but the uninformed:—(1) "that when Canara came under our rule in 1800, we found a well ordered and settled state of things, under which proprietorship in the soil was, and had ever been scrupulously respected," and (2) "that the private proprietorship was of such a nature as to prevent the British Sircar imposing the customary revenue of the country thereon."

Now I need scarcely say that any one really acquainted with the history of Canara knows that both these propositions are absolutely true. (I) We did find, in 1800, a settled and well understood immemorial political condition of things, as between the State and the landed proprietors of Canara, of the most admirable kind. This we recognized and affirmed, and so far as it had been temporarily disturbed by the disorders which succeeded the peace of Mangalore in Tippu's reign we restored that equitable, well ordered and settled state of things. In fact, this recognition was the very basis of the restoration of peace and order which at first was so difficult to effect. And (II) every one acquainted with Canara knows that,

what the British Government did do was to impose or rather continue "the customary land revenue of the country" (and no other) on its long subsisting permanent conditions, as respects the proprietary estates of the country. What the Government did not do was this. It did not upset the ancient well understood and all sufficient settlement, and introduce some novel, ill suited and subversive figment of its own invention; and to this wisdom has the peace and prosperity of the district been over and over again attributed with justice.

The facts as regards the whole country of Canara were simply these:—the whole country had, from time immemorial, been broken up into freehold landed properties of greater or less magnitude, the full proprietary right in which was "in ancient times so clearly understood that the right was never questioned or infringed and all public documents convincingly testify that Circar land was altogether unknown."—(*Munro, 31st May 1800, p. 28.*)

The settlement as respects contributions to the State has been traced back over four centuries through deeds, accounts, black books and documents and titles more numerous and more severely tried than those of any similar properties in England. It consists of an old "fixed and moderate standard" permanent demand known as the *Rekah shist* or by other local terms used to denote the fixed State demand, against each estate, and entered in the ledger sheet (*wurg*) of each individual assessee in the State accounts. This ancient permanent settlement underlies from time immemorial the relation between the State and the people of Canara, and has never been lost sight of by either. It is frequently alluded to by Sir Thomas Munro, and constituted one of the main difficulties in coming to a settlement. Indeed it is probable the recognition of this condition was the means of overcoming the obstacles which he so forcibly depicts in the early part of his Report of the 31st May 1800.

State exigencies led to occasional—and in many cases partial and even tem-

porary—"additions" and contributions, to which the distinctive term *shamilat* (some where called *tafreek*) was applied, being exacted over and above the ancient shist or permanent Revenue demand; but the distinctive and unjustifiable (in the peoples' eyes) character of this compulsory addition was never lost sight of, and as a general rule, the *shamilats* bear the name of the ruler or local officer by whom, or of the occasion on which each was imposed. The names attached to several of the items of *shamilat* indicate that even in Hindoo times special additional contributions were occasionally demanded in excess of the ancient fixed land revenue demand; but probably these irregular exactions fell thickest under the Mahomedan rule, and formed a ruinous demand against some estates before the close of that disastrous period. However this may be, the fiscal condition of the country when it passed under our rule was that of a fixed permanent and immemorial assessment against each estate and landholder—the ancient shist of the country—augmented by certain disputed additions or *shamilats*.

It may not be out of place to glance at the political history of the province shortly before the commencement of the British rule, because a great deal is made of the confusion produced during the latter years of the century, as if all rights, &c. had been swept away thereby, and the country left a *tabula rasa* whereunto we might introduce whatever suited the whim of the time. It was too much the fashion about the time of the fall of Tippu's power to confuse the able, astute and in many respects statesmanlike Hyder Ali with his miscreant son and to treat the whole period of the Moslem rule on the West Coast as one of unmitigated oppression and misrule. Expressions in Sir Thomas Munro's Report lead to the impression that he scarcely distinguished sufficiently between the two in treating of Canara. Col. Wilk's history, however, vindicates the truth of things, and, if I recollect rightly, shows that Hyder Ali's reign was, as respects Canara, really fairly benevolent, except as respects certain poligars whom he deprived of many privileges which they had before held; and

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7 certainly Malabar owes to Hyder Ali the Asheed Bey settlement which shows both moderation and sound fiscal judgment, such as are met with nowhere else in South India so far as I know. I have no means here of testing Hyder Ali's conduct in respect to the imposition of items of *shamilat* in Canara, but if my recollection serves me aright, few, if any, were enforced by Hyder Ali. One thing is absolutely certain, viz. that Hyder Ali respected scrupulously all right of property and Revenue Settlement in both Provinces of the West Coast.

The real sorrows of Malabar and Canara were political rather than fiscal, and arose probably almost entirely out of the popular risings against the Moslem power—in no small measure perhaps fermented by our own affairs and actions—which took place quite in the latter end of Hyder Ali's reign and more or less throughout Tippu's. The peace of Mangalore was followed by dreadful retribution in both provinces. It was the wholesale massacres, deportations and confiscations, with the forced conventions and other cruelties, which depopulated both countries and threw the finances, and the state of property and of cultivation into utter confusion, rather than any novel or excessive direct fiscal imposts or change in the revenue system. The expedients resorted to by the servants of the Government to keep, if possible, cultivation going, are familiar to all old Collectors in South India. How often in Bellary has an Inamdar been forced to cultivate some Circar land he did not want! In Malabar the season of terror was shortlived, and the people found an asylum amongst cognate and allied races in Travancore and Cochin, and when we entered on our rule in 1792 things were more easily righted by the return of the great princes and landlords to their homes. In Canara, on the other hand, the ruin of prominent families was more complete, and a larger number of estates had been deserted, temporarily, or had practically escheated for want of heirs or owners. The ordeal continued longer, the oppression was more close and persistent and less successfully resisted.

Such was the state of things with which those who settled both provinces had to deal when first each was ceded to the British rule. In both the returning population was welcomed back to their deserted homes and landed estates. The immemorial condition of the existence of entire proprietary right in the soil on the part of the people, and of its non-existence on that of the State, was broadly and fully acknowledged and acted upon. In Canara, wherever estates had practically escheated through default of proprietors, respectable persons were invited to take them up and become proprietors, and title deeds were conferred on them. In short not only was all existing right acknowledged and encouraged, but where lapses had occurred, rights were created and doubts of all kinds were comforted. This was the sound policy of the time—a policy continued for many years afterwards. The new proprietor entered on the ownerless estate exactly in the same position as the former owner and accepted the obligations as respects payment of revenue, &c.

As regards fiscal matters our policy was precisely the same. We accepted and affirmed as permanent the existing fiscal conditions, which were in the main far superior to anything then existing elsewhere in South India. In Malabar we confirmed the existing native settlement known as *Asheed Bey's* after some lamentable and disastrous attempts to meddle with it, and when a few years later Canara fell in, we accepted and affirmed absolutely the ancient permanent standard settlement, and the existing condition of things,—with this difference, however, that it was soon ascertained that on the whole a large proportion of the landed proprietors of Canara had under the system of adding *Shamilat* to the ancient standard demand become too heavily weighted for a permanent demand. Sir Thomas Munro's settlement consisted in affirming the full demand, i. e., the ancient standard permanent demand (*shist*) plus the sum of the "occasional additions" (*Shamilat*) whenever the condition and prospects of the estate made this a fair demand. Where the total demand (*shist* plus

shamilat) was too heavy, the *shist* was taken as the basis and $\frac{1}{4}$, $\frac{1}{2}$, or $\frac{3}{4}$ of the sum of "occasional additions" (*shamilat*) was fixed as the full future permanent demand, but in no case was the existing revenue demand exceeded.

Sir Thomas Munro's settlement of Canara was a settlement in respect to an entire estate—in the then state of its cultivation—with the proprietor (and not a fixed or acreable settlement) at a permanent fixed rate in accordance with the usage of the country, not exceeding the ancient permanent standard demand, *plus* any occasional addition subsequently imposed, and it was framed by him with a view to permanence with reference to the then policy of Indian fiscal administration, and he announced it in the district as permanent. His parting instructions to his Assistants, dated 9th December 1800, run as follows:—"As so great a part of the land in Canara is private property held at a fixed rent, your settlements in future will require little labour, because nothing is to be done except to add to the *jummah* of the preceding year the extra rent of a few estates which may be held at an under rate and the rent of such waste land as may have been brought into cultivation."

And this brings me to notice Sir Thomas Munro's Despatch of December 1800 written shortly before he left the district after completing the settlement. It is alluded to in the article in the *Statesman* already alluded to. The steady influx of the returning population, and the vigor with which the recovery and possession of land was contested led Sir Thomas Munro to think that his remission of *shamilat* as above described had been perhaps too great, and he reserved to Government the right to add "to the *jummah* a certain portion of the abatement at some after period, when it might appear that it could be effected without detriment to the country." His contemporaneous instructions to his Assistants above quoted, are in accordance with this view, and a letter from the Collector of Canara (in reply to a question) of a few years later will be found

in the Board's records, from which it appears that this plan, and within this limit above described, viz., a lump assessment on each estate, adopting the existing demand as the limit of the State claim, was pursued after he left the district, and many estates were brought up to that standard. I need then scarcely add that the writer of the article above alluded to is not justified in misquoting this isolated passage against the facts and history of the landed property and fiscal settlement of the country through centuries, against the whole facts of our own fiscal adjustment with all the populations of the West Coast, and against the declared policy and early traced action of the times.

We too often fail now, I venture to think, to bear in mind that the whole spirit and policy of the time and administration of which I am treating were mostly directed towards permanently fixing the State demand, and limiting it for ever, towards creating a state of valuable proprietary right, and *a fortiori* towards comforting, strengthening and affirming these conditions wherever found existing. The question really turned on the point; shall that fixed settlement be made with great middlemen or with the peasant proprietary? Sir Thomas Munro favored fixed moderate assessments, and merely contended that the (ryots) peasant proprietary were the right persons with whom to settle, and to these views he gave the fullest scope in his settlement. To this moderation, to this fixity of tenure and certainty of demand were attributed at the time by Lord William Bentinck, and the Government of Madras, and Court of Directors the peace and order that reigned throughout these then somewhat lawless and excitable populations.

Sir Thomas Munro's settlement remained in the main in its integrity, and became for all practical interests and purposes the permanent perpetual settlement of the province. It was exempted from the tentative triennial and decennial settlements which took effect elsewhere, and "the system of management remained unchanged." (Board of Revenue, dated 5th August 1813.) Its formal and authoritative ratifica-

tion was merely deferred by the discussion of the question of the Bengal Zemindari versus the Madras Ryotwari Settlement, in other words, until a decided preference was finally declared by the Court of Directors for the direct settlement with the proprietors of Canara, and they declared their willingness to ratify the whole as it then stood in their Despatch, dated 6th November 1805, to the Madras Government, who had evidently urged the ratification of the settlement in the following terms:—"From your description of the landed property in Canara, it is certainly true, as you observe, that the grand principle of the perpetual settlement, is already established there;" and, noticing that possibly sufficient knowledge of the value of each freehold might be still wanting, the Honorable Court proceed:—"If you think that this knowledge is already acquired by our servants, we shall not refuse to accord the permission you desire to form a perpetual settlement of the district without further reference to us;" and specially directed that the settlement was to be made with "the strict regard due to the proprietary right which individuals in the district of Canara have, as it is said, from time immemorial enjoyed in the soil."

The subject is again reverted to in the Despatch, dated 6th February 1810, para. 64, in which respect for existing circumstances in framing the perpetual settlement is specially enjoined. They add—"Instead of trying to fashion society to our institutions, our aim must be to adapt our institutions to the state of society;" and in that of 6th December 1812, the settlement of Canara and Malabar is alluded to in the summing up of the argument for a general permanent settlement set out in the letter of the Board of Revenue, dated 28th January 1813, para. 74, in the following terms:—"In illustration and support of the opinion we will adduce as an example the provinces of Malabar and Canara, where the 'permanent settlement' which has been formally declared by Government, 'the maximum of the claims' of the sovereign has long been considered as established." They instance the rebellion of 1803 as the result of a novel and abortive attempt

to advance "the direct assessment" on the land. Again, in their Minute, dated 5th January 1818, the Board enter most fully into the proprietary and fiscal condition of Canara, the character of Sir Thomas Munro's early settlement, and the judicious limitation therein imposed on the land tax in Canara; and they remark on the effect of that moderation which "by inspiring the inhabitants" "with confidence against any further unlimited demands on the part of Government, at once restored to the land its former value" and caused both general improvement and "facility in the realization of the revenue elsewhere unknown" (except in Malabar.)

I venture to assert that it were impossible to conceive a state of things in which the assurance as to the maintenance of ancient right and as to the permanent fiscal demand being limited within the ancient fixed standard plus a reasonable part of subsequent occasional addition (*shamilat*) could be more clear and positive. It is a state of things taking its origin centuries ago, ratified and since continued by us through three quarters of a century. But if this were not sufficient the subsequent acts and policy of Government place the pledge simply beyond cavil, so far as the claims and rights of the people are concerned. In 1817—1820 the re-examination of the fiscal demand on each estate took place in the light of the results of 17 to 20 years' actual collections and administration, and the whole were classed under two classes (1) the *therao bherty* or class which had paid or might at once pay the full (*therao*) "perpetual standard assessments" according to ancient accounts, and the early settlement; (2) the (*kum—bherty*) or class which had not yet paid the full "perpetual standard or *therao* assessment." The first class was permanently rated at the full *therao* which has continued the unaltered permanent demand against each estate for the last half century. The latter class was sub-divided into two classes:—(A) those who might with reasonable probability pay at some future year the full *therao* or perpetual standard; and (B) those estates which never could be expected to pay the full *therao* as per the ancient accounts and early settlement. The former of

these sub-classes was put on instalments (*vaida*) whereby the full demand has long since been attained. In the case of the latter (a small class comparatively) the standard assessment was revised and a new permanent standard demand (*therao*) was fixed which it would be possible to liquidate; the balance was reported for permanent reduction (*board—sifarish*) and in both these cases the perpetual standard demand (*therao*) has been the only acknowledged and enforced demand ever since. The (*Wurg—Pattah*) notice of demand and State account are, if I recollect aright, drawn in accordance with the settlements.

Can anything justify re-opening things against the land owners of Canara, which have been so fully, so carefully pledged and so faithfully observed?

I will only incidentally observe that our administration in respect to new cultivation (*hossagami*), division of the land revenue demand in event of sub-division of estates, &c., &c., have all served to confirm the sanctity of these pledges. The old cultivation within the estate has been scrupulously held to be covered by the permanent settlement; only new accretions have been subject to assessment: estates are sub-divided and the permanent demand apportioned exactly as would be done when a permanently settled estate is broken up, and so on.

I therefore hold that we are not at liberty, consistently with what we have from the commencement of our rule taught the people to trust to—(1) to throw aside the ancient proprietary estate settlement, and establish what is practically a new assessment and settlement; nor (2) are we at liberty to deny practical permanence for the existing settlement, and to enhance beyond the ancient demand, as before explained, the land revenue of the country.

I hope the Government will acquit me of any undue interference with this matter. I believe that it is a matter which should deeply interest the Board of Revenue and evoke their action, and likewise the Government of Madras. Be this as it may, I

cannot leave India at present without raising a voice against what I believe to be the wrong threatened by the action of the Bombay Government against the permanently assessed land-owners of Canara and Malabar.

I regret that the circumstances in which I find myself—on a homeward passage to England—after continued absence from Madras for the last eight months—prevent a more careful resumé of this whole matter, and more complete reference to official reports.

I have the honor to be,

SIR,

Your most obedient servant,

W. ROBINSON.

P. S.—I venture to observe that the land-holders of Canara are too readily charged with forgery, &c., on the one side, because they have deeds which we do not expect to find, and on the other because they produce some which bear the appearance of having been fabricated years back. For this latter fact we ourselves are in a great measure to blame. We deprived them in 1799 and 1800 of a great mass of their documents, accounts, &c., by means of which the Criminal Law would now take notice, and then through the most culpable neglect let them be destroyed wholesale. What is a people to do under the circumstances? What Indians are likely to resort to is easy to predicate, but the cause lies with us, though the sin and perhaps its punishment lies with them. We have destroyed their proofs, and then taunt them with the almost inevitable consequences of our conduct.

APPENDIX.

Extract from the "Indian Statesman" of the 29th January 1872.

WE said a day or two ago, that certain peculiarities concerning the tenures of land in Canara were a perfect god-send to the local journal, which has been attempting for some months past to impress the people with the belief that the enhancements of the land revenue now being made in this Presidency, are extortionate and oppressive. In point of fact, an attempt has been made at the very outset of this Canara case, to mislead the public as to its real nature. The whole history of the case will be given in the next number of the *Economist*, but it would not be wise to leave so long unnoticed the attempt that has been made to prejudice the public mind against the action of the Government. The public is told then, that "the land of Canara, when it came under British rule, was not as in some other parts of the country held by mere tenants of the Crown," but was all private property; and in proof of this, the following passage is quoted from a despatch written by Colonel Munro in 1801:—

"All land in Canara is private property. By means of a variety of Sunnuds I traced back the existence of landed property above a thousand years, and it has probably been in the same state from the earliest ages. . . . I made a large collection of Sunnuds, with the view of endeavouring to discover when land first became private property; but I was obliged to leave them all behind and abandon my design. Several of them were reported to be older than Shaliwahan, but I had not time to ascertain this fact: among the very few that were translated, the oldest was, I believe, in the eighth century, from which it appeared that there was then no Sirkar land."

The uninformed reader would of course infer from this, (1) that when Canara came under our rule in 1800, we found a well-ordered and settled state of things, under which private proprietorship in the soil was, and had ever been, scrupulously respected; and (2) that this private proprietorship was of such a nature, as to prevent the British Sirkar imposing the customary land revenue of the country thereon. Now for the facts. When Canara fell then under British rule in 1800, it had been ground into the dust for nearly 40 years under the rule of the Mahomedan tyrants of Mysore. Oppressions so horrible had been practised upon the district, as to have nearly reduced it to jungle. A great part of its population was destroyed, or sent into captivity, while as to private rights in the soil, Colonel Munro's statement is as follows:—

"The whole course of the administration of Hyder Ali seems to have been nothing but a series of experiments made for the purpose of discovering the utmost extent to which the land rent could be carried, or how much it was possible to extort from the farmer without diminishing cultivation."

At last Hyder died, to be succeeded by his son Tippoo, whose little finger proved heavier than his father's loins, and when the district came to us by conquest in 1800, upon the fall of Seringapatam, the condition of its cultivating classes is declared by Munro to have been as follows:—

"Tippoo was determined to relinquish no part of his father's revenue. He knew no way of making up for failures, but by compelling one part of the ryots to pay for the deficiencies of the other. He made them pay not only those which arose from the waste lands but also of dead and deserted ryots which were annually increasing.

Severity and a certain degree of vigilance and control in the early part of his government kept the collections for some time nearly at their former standard, but it was impossible they could remain so long, for the amount of land left unoccupied from the flight or death of its cultivators became at last so great that it could not be charged by the remaining part of the inhabitants, and the collections before the end of his reign fell short of the assessment, to the amount of ten to sixty per cent. The measure which he adopted to preserve his revenue was that which most effectually destroyed it. He forced the ryots who were present to cultivate the lands of those that were absent, but as the increased rent of their own lands required all their care and labour, by turning a part of it to those new lands, the produce of their own was diminished, and they became incapable of paying the rent of either.

The effect of this violent regulation was to hasten the extinction of the class of ancient proprietors or landlords; for many who might have still contrived to have held that rank had they been permitted to confine their stock to the cultivation of their own lands, when they were obliged to employ it in the cultivation of those of other people, and when the consequent decrease of the produce left no surplus after paying the rent of Government, sunk to the state of labourers. Nothing can more strongly indicate the poverty of the country than when its lands, so far from being saleable must be forced upon the cultivators; but this practice prevails more or less through Canara, and is very general every where to the northward of Cundapoor."

Now it was upon this state of matters that our rule supervened, and that Colonel Munro was sent into the district to make the best settlement he could with the people. His despatches vividly depict the dreadful confusion of everything in the province, and the utter darkness in which he was involved. It was necessary however to act promptly, and all that man could do in such circumstances he did. He made a rough settlement with the people, in general and guarded terms, to the effect that the land should be assessed only according to custom, and that the assessment should be *permanent*. The use that is sought to be made of the word *permanent* is most instructive. An attempt is made to construe it into a pledge that the purely provisional assessment made by him in the midst of the confusion and uncertainty in which he was involved, was intended by him to be "permanent" in the same sense as the Bengal Settlement of Lord Cornwallis, admitting neither of increase nor of remission. Now his despatches prove in the most absolute manner, that the word was used by him simply in contrast to the perpetually fluctuating demands made by the Mysore Government. The proof of this is so voluminous, that we cannot attempt to produce it here. But one single passage from a despatch of December 1800 will prove the point to the satisfaction of every candid reader. Noticing then this very settlement which is now declared to have been "perpetual," and which was then but a few months old, he says:—

"The letter, of the Board's, dated the 26th March 1800, which I had just received, led me to suppose that I might be suddenly called upon to make a permanent settlement, and induced me to propose a greater reduction than I should otherwise have done, from an apprehension that a failure in some quarter or another might be the consequence of a higher assessment. *It never was my idea, however, that my settlement should have been so permanent as to be exempted from all future change, but only that it should have been so far fixed as not to be liable to partial and frequent alterations*, and that the right should have been reserved for Government to avail itself of the increasing resources of the country, by adding to the Jumma a certain portion of the abatement at some after period, when it might appear that it could be effected without detriment to the country."

Now this is Colonel Munro's own account of the settlement, six or eight months after making it. Fearing he might be commanded to make the settlement perpetual like that of Bengal, a step that really *was* contemplated by the Madras Government years afterwards, he purposely made the assessment very low, and tells the Madras Government expressly that all he meant by "a permanent settlement" was that it should be "so far fixed as not to be liable to partial and frequent alterations;" such fluctuations as the people had constantly suffered from the Mysore Rulers who were changing the assessment every year.

The proof that Colonel Munro's settlement of 1800 was merely provisional, and permanent only in the sense that the assessment would not be incessantly and arbitrarily increased as it had been under Hyder and Tippoo, is simply we say overwhelming, as will be shown by and bye. So much as to the status and condition of the cultivators of Canara, when the district came into our hands and was provisionally assessed in 1800. And now (2) as to private proprietorship in the soil of India, in its bearing upon this question of assessment. The fact simply then is this, that though every acre of land in India were shown to be private property, the fact does not touch the right of the State to levy an assessment thereon. The right of the State to levy this assessment is as ancient as the private rights that are contended for. The levy of the assessment is in no way inconsistent with full proprietary rights in the soil. As a matter of fact, wherever we ourselves have introduced the 30 years' lease system, we have conferred full proprietary rights upon the holders of the leases. The subjection of the land to an assessment, or a tax, in no

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way interferes with private proprietary rights therein. The man who holds 50 acres of land under one of our leases, can mortgage, sell, transfer or bequeath the land as absolutely as though there were no assessment at all thereon. Does the payment of tithe we ask at home destroy the freeholds of the country? To establish that the land of Canara was in ancient times private property establishes nothing that affects this dispute. We believe there is not a doubt that the land of all the Malabar Coast was private property. The question is was it private property in such a sense that the State could not demand a share of its produce? The answer is instantaneous:—no such private property ever existed in the country except where created by sunnud expressly exempting it from the usual impost. It is of no use to prove private proprietorship in bar of the State demand for the proportion of the produce belonging to it for the purposes of the public good. The State right can only be got rid of by showing an express title to exemption, such as the Inamdars of Western India received from the Mahratta Government. All the land of the North-West Provinces is private property, but every one acquainted with the ancient law and constitution of India knows that the land was liable to the *khirauj* for all that. Our object in this article is simply to warn the public against being misled by the one-sided statements of the local press on this important case. Every foot of the ground will be gone over by the High Court, and we protest against the Government being declaimed against as oppressive, or as guilty of breach of faith towards these Canara landholders. The rights of these men are in perfectly safe keeping and were the Government not to press its claims upon them to an issue it would be guilty of great public wrong.

1/6/81
3.7.93

Vide p. 23-10. 74 n^o 1361.
— Cnl 4321/80.

(3)
Revenue 1872 Dept.
No 1837.

From

W. Robinson Esqr.

Mr. 25 Oct 1872
No 148

Recd. 28th May 1872.

Drawing attention of
Mahar Govt to an article
published in the "Hibernian"
of the 29th January last
regarding the action recently
adopted by the Bombay
Govt in respect to the
revision of Assessment
in North Canara
No 148.