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MADRAS RECORD OFFICE

Government of Madras

Revenue DEPARTMENT

G.O. No. 388 Press
~~B.R. No.~~ ~~Mis.~~

Dated 26th March 1874 ~~195~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
26th March 1874.

Read the following:—

No. 232. Proceedings of the Board of Revenue, dated 13th May 1873, No. 782.

Read the following letter from G. BANBURY, Esq., Director of Revenue Settlement, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 23rd April 1873, No. 767-29:—

I HAVE the honour to request the Board's perusal of the accompanying copy of a letter from Mr. Rundall and of the Acting Collector's reply thereto. It will be seen that the Mahunt of Tripatty now claims the right of possessing the entire area of the holy Hill; that the boundaries of Tirumalai, the village at the summit of the Hill in which the pagoda is situated, have never been marked out; that the case is, to a certain extent, pending before the Inam Commissioner; and that the inhabitants of twelve villages at the foot of the Hill plead their respective rights to possession of portions of the slopes, now all claimed by the Mahunt.

To Collector, 18th March 1873, No. 192.
From ,, 25th ,, ,, ,, 285.

2. As this is a case of some importance, as its remaining unsettled prevents our work from being closed, and as the matter is hardly likely to be settled by further correspondence in the ordinary course, I would suggest that one of the District Revenue-officers might perhaps be deputed to consider and report upon the Mahunt's present claims for the Board's orders. As Mr. Wilkinson, the Sub-Collector, an officer of standing and experience, is now doing the jummahbundy of the Chittoor Taluq, the Board might ask him to take up this investigation in Chendragherry, the taluq adjoining, when his present task is completed. Mr. Rundall would, of course, furnish to the officer deputed any aid that we could afford. As soon as the question of the Mahunt's title to the entire Hill has been settled, the rest of the task can be carried out by this department in due course.

ENCLOSURE No. 1.

From C. RUNDALL, Esq., Deputy-Director of Revenue Settlement, Nellore and North Arcot, to H. SEWELL, Esq., Acting Collector of North Arcot, dated 18th March 1873, No. 192-34.

IN my letter of 12th March 1872, No. 163-17, I brought to notice that the boundaries of the Tirumalai village, No. 32, of the Chendragherry Taluq, constituting Upper Tripatty, or the plateau of the Tripatty Hill, required to be defined; and I requested, as there were no regularly constituted village-officers, that some Revenue subordinate might be nominated to point out the limits with the adjacent villages on the Hill, and see that the area was correctly demarcated. In reply, I was informed by your office letter, No. 164, of 27th idem that the Tahsildar of Chendragherry had been directed to depute one of his Revenue Inspectors to attend for the purpose. Subsequently, by letter, No. 241, of 11th May, I was informed that the Mahunt strongly objected to any interference of this department with the sacred Hill, and you requested me to defer taking any steps to define the boundaries, until I heard from you again.

2. On the 7th ultimo, by letter, No. 104-20, I inquired whether any final orders had been passed in the matter, and received a negative reply by docket, No. 12, of 10th idem.

3. When recently at Tripatty, it appeared to me that the Mahunt's objections were to the demarcation of the tract of land brought to notice and reported on in the letters marginally noted, and not to the definition of the boundaries that might exist on the Hill; and, with the view of obtaining information, I directed a Head

My letters of 19th February and 20th September 1872, Nos. 128-14 and 667-52.

Classifier to ascertain of the Mahunt whether the objections raised extended to the marking of the said boundaries. This has elicited an expression of opinion on the part of the Mahunt, and the vernacular correspondence on the matter, as enumerated marginally, is enclosed for perusal. The return of the same, when done with, is requested.

Head Classifier's Arzi, No. 16, dated 13th March 1873, with its enclosure.
Mahunt's Arzi, No. 56, dated 13th March 1873.

4. It now appears that the Mahunt puts forward a claim to the whole of the Tirumalai village as belonging to the Tripatty Devastanum I conclude, and asserts that there is no occasion to mark any boundaries, as none exist; and, moreover, that the line already marked round the base of the Hill defines the limits and rights of the adjacent villagers.

5. The first question is whether the right and title to the whole area of Upper Tripatty or the Tirumalai village, which the Mahunt thus assumes and contests to be invested in the Trustees of the pagoda, is valid and needs be recognized or otherwise. Apparently, Tirumalai has heretofore been always regarded as a Government village, and at the time of the Paimash was left unmeasured, and, therefore, had no recorded area. It is to be inferred from the Mahunt's letter that it was not measured by reason of objections formerly preferred by his predecessor in office or others connected with the pagoda. It occurs to me that, had the Trustees of the pagoda any valid right or title to the whole village as now asserted, they would not have failed to prefer the same before the Inam Commissioner; for they were well acquainted with the scope and inquiries of the Inam Commission, as several valuable grants of Inam land are attached to, and belong to the pagoda. Again, they would surely have brought their claim forward then. Exception was taken to the enjoyment of the tamarind gardens in Upper Tripatty referred to in the correspondence specified above at paragraph 3, which has seemingly been submitted to the Board for the orders of the Inam Commissioner. As I am not aware that any such claim had hitherto been preferred, I conclude that none has been; but you will be conversant with the same if any had been put forth.

6. In dealing with the question of the Tirumalai village, therefore, I have the honour to inquire whether the pretensions of the Mahunt require to be recognized or ignored by this department.

7. It is of little use asserting, as the Mahunt does, that there are no boundaries to define on the Hill, and that the line marked round the base of the Hill defines the right of the adjacent villages (some twelve in number); for that line was marked by this department solely for survey purposes. On the other hand, the adjacent villagers claim the actual boundary of their villages to run up and extend some distance more or less up the Hill; and the claim appearing good must necessarily be inquired into and disposed of on its merits. The actual settlement of the boundary cannot be overcome; and, as it had been in abeyance for upwards of one year, I request I may be permitted to arrange for its being proceeded with as soon as you may answer the query contained in the preceding paragraph.

8. Care will, of course, be taken that the Hill is not invaded by others than those who have a perfect right to frequent the sacred locality.

As a rule, the boundaries are at the edge of the Hill, and a very considerable distance from Upper Tripatty proper.

9. Should the claim of the Mahunt require to be ignored, it will be advisable that some Revenue subordinate should be deputed to point out the claims, and look after the interests of the Tirumalai village in the settlement that must necessarily be made in the case of each adjoining village. Should you deem it desirable, a representative of the Mahunt might be associated with the Revenue subordinate, merely as the representative of a party or occupant interested in the settlement of the boundaries of the village of Tirumalai, but not as the Inamdar or possessor of the whole village.

10. In the scheme for amalgamating the villages for the Chendragherry Taluq, recently approved by the Board of Revenue, Proceedings, No. 168, dated 7th February, Tirumalai was inserted in Statement No. 2 to be amalgamated with Tripatty, the village below the Hill; and by paragraph 6 of the Proceedings, sanction is accorded to the transfer. Tirumalai, therefore, requires to be demarcated as one village with Tripatty, unless these fresh claims render a reconsideration of the question desirable.

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Memorandum from H. SEWELL, Esq., Acting Collector of North Arcot, to C. RUNDALL, Esq., Deputy-Director of Revenue Settlement, Nellore and North Arcot, dated 25th March 1873, No. 285.

In returning the enclosures of the above letter, informs that the question of demarcating the Tripatty Hill is in correspondence between this office and the Inam Commissioner, and that the undersigned is at present unable to give his opinion on the subject, until it is finally disposed of by the Inam Commissioner.

(Signed) H. SEWELL,
Collector.

(True Copies.)

(Signed) G. BANBURY,
Director of Revenue Settlement.

Referred for the observation of the Inam Commissioner.

No. 233. Proceedings of the Board of Revenue, dated 5th June 1873, No. 945.

Read Proceedings of the Board of Revenue, dated 13th May 1873, No. 782.

Read the following Official Memorandum from W. ROBINSON, Esq., Inam Commissioner, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Madras, 29th May 1873, No. 278:—

The Inam Commissioner concurs with the Director of Revenue Settlement that the Tripatty Mahunt's claims, which have been long pending in this office likewise, should form the subject of an early local inquiry. So lately as the 3rd February last, the Collector was requested to send an early report, but has not yet done so.

2. The Inam Commissioner accepts Mr. Banbury's proposal that Mr. Wilkinson should conduct the inquiry, and proposes to transfer to him the correspondence in this office.

Communicated to the Collector of North Arcot, who will direct the Sub-Collector to investigate the matter in person and report as soon as possible.

No. 234. Proceedings of the Board of Revenue, dated 20th February 1874 No. 385.

Read again Board's Proceedings, dated 13th May 1873, No. 782, and 5th June 1873, No. 945.

Read the following papers:—

From W. S. WHITESIDE, Esq., Collector, North Arcot, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Chittoor, 29th September 1873, No. 617.

Adverting to the Proceedings of the Board, dated 5th June 1873, No. 945, I have the honour to forward copy of Mr. Wilkinson's report, dated 10th instant, No. 395, together with the original enclosures received therewith, being the state-

ments of witnesses recorded by him, the documents filed by the Mahant and by the Tahsildar of Chendragiri on behalf of Government.

2. The report deals so fully with the question at issue, viz., the ownership of the hill and the forests thereon claimed by the Mahant, that I do not feel called upon to reiterate the facts stated by Mr. Wilkinson, to whom the inquiry was specially referred by the Board.

3. After a careful perusal of the report and the papers upon which it is based, I can come to no other conclusion than that arrived at by Mr. Wilkinson, that the Mahant has failed to establish his claim or right to the hill and the forests, except to a small portion of the jungles in the immediate neighbourhood of the temple at Upper Tirupathy.

4. On the other hand, from the evidence adduced by the Mahant and by that offered by the Chendragiri Tahsildar, it is abundantly clear that the Government have, up to the date of the claim, treated the hill and the jungles as their own property, and have, in proof thereof, exercised acts of ownership quite inconsistent with the exclusive possession now claimed by the Mahant. The Government right is, however, subject to certain rights of ways upon the hill leading to the temple and of the lands claimed as Inam by the Agent and Manager of Galigoparam.

5. These and other rights of similar nature should, I agree with Mr. Wilkinson, be recognized by the Government when they formally assert their right in supersession of that set up by the Mahant.

6. Mr. Wilkinson, in paragraph 23, alludes to an order, marked S, of the Acting Collector, Mr. Sewell, dated 22nd May 1873, No. 170, as the first and document which at all distinctly recognizes the Mahant's right to the forests on the Tirumalai Hill.

7. This order was issued upon a reference by Nummiah Chetty who was then acting as Tahsildar of Chendragiri, and who had had but a few days' experience of the taluq when he wrote his report.

8. The report itself is very carelessly worded, and, although it professes to treat of the forests in general upon the Tirumalai Hill, refers specially to a certain order of the late Assistant Collector, Mr. Sewell, No. 109, dated 19th April 1872, who, on his own responsibility, and without reference of any kind to this office, and upon the evidence of a few witnesses who are the servants of the Mahant, directed that a portion of the forests in question within certain boundaries, which he specified in that order having been granted to the temple by a former Poligar of Mamandoor (since resumed), and used by the temple for its own purposes, should not be interfered with.

9. This order, to which Mr. Wilkinson alludes in paragraph 52 of his report, was issued without, as I have stated, any reference or notice to this office; and the Tahsildar having referred to it in his Arzi as if it supported the Mahant's claim to the *whole* forests, the Acting Collector declined to interfere, and desired the party who wanted wood from the Tirumalai forests to make his own arrangements with the Mahant.

10. At the time this order was issued, neither I nor my Sheristadar was in the district. We were both absent on leave, and our successors were new. The *Acting* Sheristadar, moreover, was at the time absent at Arni on jamabandi business,

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and the Arzi was read by the Vernacular Head Clerk, Narainasawmi Mudali, who prepared the Takeed according to Mr. H. Sewell's English order recorded on the Tahsildar's Arzi. I am not prepared to impute any bad faith to the Head Clerk who was possibly unaware of the existence of the claim by the Mahant.

11. The whole thing is the result of misapprehension from the beginning to end. The Mahant cannot, of course, be allowed to take advantage of this order, which was passed long after the date of his claim, and only a few weeks before the inquiry commenced.

12. I have called upon the Tahsildar Nummiah Chetty to report what he meant by writing his Arzi about the Tirumalai forests in general, and relying in support of his argument on the Assistant Collector's order, which only treated of a particular portion thereof. When his reply is received, I will send it to the Board if necessary.

13. It is also worthy of note that no copy of the Assistant Collector's order, or of the correspondence which gave rise to it, was forwarded along with the Tahsildar's Arzi. It is much to be regretted that the Assistant Mr. R. Sewell should have taken it on himself to dispose hastily, and without reference to me, of so very important a matter as the Mahant's claim to valuable forests on the Tirupathy Hills; for, the Board will perceive, it was the fact of such an order having been issued that enabled the *Acting* Tahsildar to address his Arzi to the late Acting Collector Mr. H. Sewell, and which induced that gentleman to issue the Takeed on which the Mahant now lays so much stress.

14. The documents in this case will be sent in a box by Rail, as per enclosed list.

ENCLOSURE No. 1.

From F. WILKINSON, Esq., Acting Sub-Collector of Salem, to W. S. WHITESIDE, Esq., Collector of North Arcot, dated Oossoor, 10th September 1873, No. 395.

I HAVE the honour to submit the report called for in Proceedings of Board of Revenue, dated 5th June 1873, No. 945. In the docket on the above Proceedings, it is stated that I am deputed to investigate and settle the boundary-dispute between Tirumalai village at the summit of the Tirupathy Hill and villages at foot of the hill; but in the letter of the Director of Revenue Settlement (in Proceedings, Board of Revenue, dated 13th May 1873, No. 782), which gave occasion to this investigation, the point which it is suggested I should be directed to report on is the claim of the Mahant to the whole area of the Tirupathy Hill. The two questions are so intimately connected that I have thought it best to report on the whole subject and not to confine myself merely to defining the boundaries of the Government villages at the foot of the hill.

2. I enclose a précis of the correspondence on the subject of Tirupathy Hill, which has taken place between the Inam Commissioner and the Collector, as well as between the Collector and the Deputy-Director of Revenue Settlement.

Marked AA.
Marked BB.

3. Before commencing my report on the Mahant's claims, a brief description of the hill will not be out of place, and will serve to render some parts of the report more intelligible. The range of hills on which the celebrated Tirupathy pagoda stands are situated in the north-east corner of the Chendragiri Taluq. The ascent commences at the Adipadigoparam or portal, which is about half a mile distant from Lower Tirupathy. Beyond this goparam, none but Hindus are allowed to proceed. At the summit of the slope stands the Galigoparam or portal where a light is kept burning every night. The distance from here to Upper Tirupathy is six miles. The road or path

which passes through scrub-jungles, and is in many places very precipitous is paved with stone. There are mantapams and halting places at different intervals. The road, mantapams, etc., are in indifferent repair.

4. About half way between the Galigoparam and Upper Tirupathy, there is a fine well, said to have been sunk by one of the predecessors of the Mahant. Adjoining it is a mattam and a tope containing fruit-trees which is kept up by the Mahant himself. This tope is not entered in the list submitted by the Tahsildar of Chendragiri to the Inam Commissioner. I was told that the produce is devoted to charitable purposes, though the tope is not connected with the Devastanam. Its extent is said to be about 50 cawnies.

5. The village of Tirumalai or Upper Tirupathy lies in a hollow, surrounded by hills on every side, but the east or south-east. In the centre is the great temple with its gilded dome. Round the temple runs a broad street, along which the car is dragged. Facing the street are a large number of mattams and chuttrums belonging to different Zemindars and private individuals. These mattams are let out to pilgrims during the festivals, and are a source of profit to their proprietors. At the back of the mattams and chuttrums are topes containing jack, orange, plantain, mango, and other fruit-trees. On the south-west on the path leading to Chendragiri is a fine tank from which the topes are watered.

6. Beyond the topes is jungle. I did not observe many large trees in the jungle immediately round Upper Tirupathy, but there is abundance of firewood.

7. There are four roads or paths from Upper Tirupathy: the most frequented path is the one which leads to Lower Tirupathy, passing through the Galigoparam; another path leads to Chendragiri; a third to Bálapalli; and a fourth to the tirthams or waterfalls.

8. I received the correspondence referred to in the 2nd paragraph on the 4th August, commenced my inquiry on the 8th, and concluded it on the 18th idem. The Peishcar (or Sheristadar, the real Manager of the Devastanam I was told) who appeared on behalf of the Mahant filed 29 documents and examined 22 witnesses. The Tahsildar of Chendragiri, who appeared on behalf of Government, put in 11 documents and examined 10 witnesses.

9. From the written statement (marked X) put in by the Peishcar, it appears that the Mahant claims the whole of the range of hills on which the Tirupathy pagoda stands. He states that the hill is known by two names Tirumalai Konda and Narayana Paravatam. This statement is incorrect. During the whole of the inquiry the hill was never once alluded to by the latter name, which is the name given to one of the small hills which bound the valley in which Upper Tirupathy lies.

10. The Peishcar goes on to say that the lands and other possessions attached to the temple were never subjected to pymaish, but have always been permitted to be enjoyed free. This is begging the whole question. He has first to show that the lands were attached to the temple. What he evidently means is that, as in the pymaish accounts the only entry for the Tirumalai village is "Tirumalai Revenue No. 32," and no extent or boundaries are given, it must be concluded that the village belonged to the temple. The real reasons why the hill was not pymaished appear to have been two: first, it is covered with dense and in many places impenetrable jungle; and, secondly, none of it is cultivated. These are the reasons assigned in a document put in by the Peishcar himself, and marked U. Moreover, the 4th witness (produced by the Tahsildar), who was Curnum of Lower Tirupathy from 1829 to 1840, deposes: "No pymaish was made of the Tirumalai Hill when the Mamandoor Polliem was resumed by Government, because the Pymaishdar reported that the jungle was too dense for survey operations, and that survey was unnecessary as there was no cultivation." Probably for these same reasons in many other villages in the Chendragiri Taluq the hills were not entered in the pymaish accounts.

11. The Peishcar ends by saying that he is prepared to establish the rights of the Devastanam by Sashanams and other documents. Not one Sashanam was filed, and the only one I heard of is noticed in paragraph 40 of this report.

12. I now proceed to notice the documents filed in support of his claim. A is a cowle addressed to all kavalgars, archakams, etc., at Tirupathy, and assures them that the Inams and such religious rites as are connected with the establishment of the pagoda shall be continued without interruption in conformity to long established custom, and that only those castes hitherto admitted

on the hill will, in future, be allowed that indulgence. It is dated 9th September 1801, and is signed by Mr. Stratton. I would call attention to one point in this cowle, viz., the mention of Inams which are to be continued. The Peishcar states that all these Inams (enumerated in an Appendix to Mr. Stratton's report marked B) were enfranchised by the Inam Commissioner, and that he held a Vakalat on behalf of the Mahant during the Inam inquiry. He also admits that no application was made by the Mahant to enfranchise the Tirumalai village or hill.

13. The next document, filed by the Mahant is a report* on the Tirupathy pagoda by the Collector Mr. Stratton, states that it is his intention to define the sources of revenue from the Tirupathy pagoda. These he classes under four heads: first, oblations, second, presents, third, receipts, such as money paid by devotees for seeing the idol washed, dressed, etc., and for seeing the different processions; and, fourth, certain farms or licenses, such as the farm of selling sweetmeats which have been offered to the idol, and the tax on barbers. He states that the revenues of the pagoda have ever been considered the right of the Cirkar. In one of the Appendices to his report, Mr. Stratton gives a list of the Inam villages below the hill enjoyed by Brahmins and others attached to the Tirupathy pagoda. Mr. Stratton nowhere alludes to the hill as attached to the pagoda as an Inam, nor is the Galigoparam Inam (of which more hereafter) entered in the Appendix.

*Dated 31st January 1803.

14. The Peishcar laid great stress on the 2nd paragraph of Mr. Stratton's report which, in his opinion, proved that Mr. Stratton considered the Adipadigoparam as one of the boundaries of the sacred hill, and that the hill was the Hindu pujah stalam. All that Mr. Stratton says is that all other castes, but Hindus, are restricted from passing the Adipadigoparam, and that in such veneration is the hill held that pilgrims prostrate themselves on obtaining the first sight of the range. How this can be supposed to mean that the whole range of hills was attached to the pagoda I fail to see.

15. Document C a sheet of the C[illegible]nce [illegible]n is noticed below in [illegible] Peishcar argues that the entry, "The sacred hills of Tirupathy," belongs t[illegible]ood, i.e., is attached to the temple.

16. D is a Sanad granted on the 10th July 1843 to the Mahant of Hatteram mattam at Tirumalai and Tirupathy. In it the Mahant is informed that the Tahsildar has been ordered to give him possession of nineteen pagodas and the temples appertaining thereto, as well as personal property, such as locks, keys, etc., of the several pagodas. The villages and lands enjoyed by the worshippers, priests, and Jeyangars (those mentioned in the Appendix of Mr. Stratton's report) are mentioned, but there is no allusion to any land as attached to the pagoda, and nothing is said about the hill and the jungle thereon. From the date of this Sanad all connection of Government with the Devastanam ceased, and surely, if the Government of that day had intended that a valuable jungle tract of 100 to 150 square miles should be alienated and handed over to the Devastanam, some mention of it would have been made in this Sanad. All that was given up to the Mahant was the nineteen pagodas and temples attached thereto, and Government evidently reserved to themselves the hill with its extensive jungles.

17. E is a Khat addressed to the Mahant by the Collector Mr. Bourdillon on the 28th August 1848, informing him that the Tahsildar has been directed neither to measure nor to impose any rent on the flower gardens at Upper Tirupathy, inasmuch as they are exclusively in the enjoyment of the temple, and have not paid rent to Government for many years. (The Arzi of the Tahsildar on which this Khat was founded is marked P. It calls for no remark.) On this I would observe that Mr. Bourdillon speaks of the topes in Upper Tirupathy as mere flower gardens, whereas, on my inspection, I found that they contained valuable fruit-trees and few or no flowers. Again, he says their produce is exclusively enjoyed by the temple, whereas it is in evidence that only part of the produce is devoted to the temple, and part is appropriated by the proprietors themselves. It is evident, therefore, that the information on which Mr. Bourdillon acted was not strictly correct.

18. F is an Arzi addressed to the Mahant by the Tahsildar of Chendragiri in 1862, informing him that the Tahsildar has no objection to the Mahant making arrangements for the safety of the pilgrims coming from Chendragiri by clearing jungle and keeping kattubadi peons.

The only way in which this bears on the inquiry is this: it shows that in 1862 the Mahant thought it necessary to obtain the sanction of the Government officials before clearing the jungle on the sides of the path. G is an Arzi from the Tirupathy Sub-Magistrate to the same effect, with reference to the Bálapalli ghaut.

19. H is a Khat addressed to the Mahant by the Collector in 1871, requesting him to issue the necessary orders permitting the contractor who had undertaken the repair of the "Veikalu mantapam" to take earth for burning bricks at a reasonable distance from Upper Tirupathy. The Mahant construes an act of politeness on the part of Mr. J. D. Robinson as an admission by him of the Mahant's right to the Tirupathy Hill. The reason permission was asked was probably the vicinity of the brick-kiln to the temple. The document marked I is merely an estimate for the repair of the said mantapam.

20. The documents marked J, J, will be noticed further on. So far from establishing the Mahant's claim, they go to show that he never enjoyed more than a very limited portion of the jungle, and that in the immediate vicinity of the temple.

21. The documents marked K, L, M, N, and O, are accounts for faslis 1251, 1252, 1254, and 1257 and 1258 filed by the Mahant to show that in those years he leased out the soapnuts on the hill. The Devastanam was not handed over to the Mahant till fasli 1253, and while it was under Government no separate accounts were kept of the Devastanam and Government revenues. To show, however, that the Mahant had nothing to do with leasing out the soapnut trees before fasli 1256, it is only necessary to consult the entry in the accounts for fasli 1252, in which it is expressly entered that the value of 5 maunds of soapnuts had been taken for the use of the pagoda, and the remaining 25 maunds sold by Government at 1¼ Rupees per maund. In fasli 1254 the entry is "purchase of soapnut, Rupees 8-10-0." This is no evidence for a lease. From the accounts for faslis 1257 and 1258 it appears that a certain sum was realized by the lease of soap- [illegible] nd 1257, and credited to the Devastanam. This point will be explained further on.

22. Q is a report submitted by the Tahsildar to the Assistant Collector on an application made by one Subba Rao for 15 cawnies of land on the hill, at 4 Annas per cawny. The Assistant Collector (R) rejected the application on the ground that "Mr. Bourdillon had, in 1848, directed that the lands should be reserved for charitable purposes." It is evident that the Assistant Collector never read Mr. Bourdillon's order of 1848.

23. S is a Takeed to the Tahsildar directing him to inform the party who had contracted to repair the Mysore Rajah's chuttrum that the permission of the Mahant should be obtained before he began to cut wood in the jungles on the hill. This is the first and only intimation we have of the Mahant's right to the jungle on the hill. The order was issued by the Acting Collector Mr. Sewell in May last, at which time a peon of the Forest Department was stationed on the hill to prevent unauthorized felling of timber. T is a report of no value by a Revenue Inspector, dated 10th April 1873.

24. U is an Arzi addressed to the Collector by the Tahsildar of Chendragiri, furnishing certain information required by the Inam Commissioner. The Tahsildar reports that the extent of the hill cannot be accurately ascertained, as no pymaish was made on account of the jungle, that "the Mahant is unable to give the exact extent claimed by him, but thinks it is about 100 to 150 square miles," whereas the Revenue Inspector estimates that the extent of land in enjoyment of the temple is about 40 square miles. The Tahsildar stated that the extent of land occupied by topes was 78 acres, that there was no other cultivation on the hill, and that no assessment was levied on the topes. From this, it will be observed that in April last the Mahant had not made up his mind as to how much of the hill he should claim.

25. I now come to the witnesses, many of whom are the servants of the Mahant or Devastanam. The points which the witnesses were called to prove appear to be the following :—

(1.) To whom does the hill belong ?

(2.) By whom has the right of cutting firewood and other wood in the jungles on the hill been enjoyed ?

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(3.) By whom have the fruits on the hill been gathered and enjoyed ?

(4.) To whom is rent paid by the shop-keepers in Upper Tirupathy ?

26. On the first point the witnesses assert that "the hill belongs to the Swami or God." Their reason for saying so is that as pilgrims visit the ten or fifteen different tirthams or waterfalls which are situated at some distance from Upper Tirupathy for the purpose of bathing, and as the repair of the road to these tirthams and the repair of the mantapams and shrines thereon is or should be executed by the Devastanam, therefore the hill belongs to the God.

27. It is impossible to give the exact distances of these waterfalls from Upper Tirupathy, as the witnesses' statements on this point are very conflicting. It appears that the distant tirthams or waterfalls are visited once a-year by the pilgrims. On these occasions people bathe in the pools, the puranas are read, and rice is distributed. One tirtham, by name Akasa gunga, is about a mile from Upper Tirupathy. From this the water in which the God is bathed is daily brought to the temple.

28. The statement that the mantapams, etc., on the road to the tirthams are repaired by the Devastanam must be received with some modification, as the Peishcar who has been in the service of the Devastanam twenty-four years deposes that since he has been Peishcar he has not known any money expended on repairs. If one may judge of their condition from that of the mantapams, etc., on the road from the Galigoparam to Upper Tirupathy, I should say that, though it was generally considered to be the duty of the Devastanam to repair these mantapams, little or no money had ever been expended on them.

29. Be that as it may, the question remains whether, because once in a year pilgrims bathe in the pools at the foot of certain waterfalls, all the jungle between those waterfalls and Upper Tirupathy can be considered to belong to the Devastanam; for this is the point urged by the Mahant and his followers.

30. As far as I could ascertain from personal inquiry when at Upper Tirupathy, all these tirthams are situated on the northern and eastern sides alone, and there are none on the south and west. If, therefore, the above argument were good, it does not apply to the whole hill.

31. Probably aware of this, some witnesses were produced to speak to the actual boundaries. Their evidence on this point is of so much importance that I shall give it in full.

32. The 1st witness states that the Hindu puja[illegible]lam (the place of Hindu worship) begins from a tirtham named Strinivasa Pushkaranai (where are some feet of the God on a rock) about 2 miles from Bálapalli on north-east; that the eastern boundary of Tirumalai is Kirkambadi and Mamandoor, the western Nagapatla, Gopalapuram, and the Cuddapah frontier, and the southern the Adipadigoparam.

33. The 2nd witness says, the boundaries of the Tirumalai are, on east Strinivasa Pushkaranai on west, Rolla-kanama on the north, Stris-alam. The 5th witness merely says, the boundaries of the temple are beyond the tirthams. The 9th witness says, as the pilgrims go as far as the tirthams, which belong to the God, I should say they, *i.e.*, the tirthams, are the boundaries of Tirumalai.

34. The 11th witness says: "On the Bálapalli side, Strinivasa Pushkaranai, and on the east Tumbarkona are the boundaries of the hill which belongs to the God." The 12th witness gives the following boundaries of the Hill :—Nagapatla, Tumbarkona, Bálapalli, and Kirkambadi. He adds, there are no boundary marks.

35. The 13th witness gives the following as the boundaries "of the jungle:"—"On the west, Jandaipetro, a big rock on the top of the hill; on the north-west Gollabratsa; on north, Venkatagiri Rajah's chuttrum; and on the east, Atimana Chellama, an Ati tree, and a spring also on the top of the hill." These are the boundaries of the jungles; but he says he heard from his ancestors that the boundaries of the Devastanam were the barber's mantapam on the top of the chendragiri ghaut and Narayana Paravatam (one of the hills mentioned in paragraph 5, as bounding on one side the valley in which Upper Tirupathy lies). He adds that his ancestors told him that all that belonged to the Devastanam was the village of Upper Tirupathy, the topes immediately round the village, and the jungle for about one mile all round.

36. The only other witness who speaks to the boundaries is the 17th. He says : "The Tirumalai Hill belongs to the God. Its boundaries are Mamandoor, the feet of the God near Bálapalli, the Adipadigoparam, and the Chamala jungle.

37. With reference to the statements of the 1st and 17th witnesses as to the feet of the God on a rock, it is admitted both by the Peishcar and the 17th witness that these feet are to be found everywhere, and are no proof of a boundary.

38. The remaining witnesses say they do not know if there are any boundaries, nor what they are, and one old gentleman of 78 says, with the piety characteristic of his age, "there are no boundaries ; everything belongs to God."

39. We have now to compare the boundaries as given by these witnesses, conflicting as they are, with those claimed by the Mahant as set forth in his written statement (marked X) and in the Ordnance Map (marked C) which he files.

40. The Mahant in X says, the Tirupathy Hill is bounded on the west by the Sashanam put up at Errabontalakona to mark the boundary between the Kirkambadi Polliem and Tirupathy.

The Peishcar in his deposition says : "I heard that this Sasanam was a stone on the hill, bearing the image of Vishnu, and the word Tirumalai." If there is such a stone, it is strange that no witnesses could be produced who had seen it, and that none of the witnesses who speak of the boundaries say anything about this wonderful stone. I fancy it had its origin and existence in the Peishcar's fertile brain. The Curnums of the villages thereabouts have never heard of its existence.

41. The Mahant goes on to say, the Tirupathy Hill is bounded on the north (query, if it is the north, the Cuddapah frontier is on the north, the Cuddapah villages on south) by the demarcation stones placed by the Settlement Department at the foot of the hill to mark out the limits of Timmanaidi Polliem, Tirupathy, Puthupatla, and other villages, on the east and south by similar demarcation stones.

42. Now can anything be more absurd than to claim as the boundaries of the Tirupathy Hill,— boundaries which the Mahant would have us believe have been [illegible] Mahomedan Governments for centuries,—certain stones placed about a year ago by the Settlement Department simply to facilitate the survey operations. Mr. Rundall, in a letter to me, dated 22nd July, says : "The line marked along the foot of the hill, which the Mahant now asserts to be the true boundary of the hill, was made for survey purposes ;" and the Head Classifier, by whom the said line was defined and cleared, deposes to the following effect :—"We have fixed stones at the bottom of the hill to facilitate the survey, as they mark jungle and cultivation differently in their plans. There was never any idea of this being a boundary line. The big stones in brick and chunam were put down for triangulation."

43. This disposes of the Mahant's claims to have the stones put down for triangulation, regarded as the boundaries of the hill, and when I come to examine the boundaries of the Government villages according to the pymaish accounts, it will be seen that they extend a considerable distance beyond the said stones.

44. In the Ordnance Map the hill is marked as "Tirroo Mally, the sacred hills of Tirupathy." Strinivasa Pushkaranai, mentioned as a boundary by some of the witnesses, is entered as a village beyond the slopes of the hill. Mamandoor, Kirkambadi, and Nagapatla, are a considerable distance from the foot of the hill. Tumburkona is apparently entered as the name of a river, and is also at some distance from the Tirroo Mally. So far, then from the plan C supporting the pretensions of the Mahant, and the boundaries of the Tirumalai Hill as given by himself or his witnesses, it, in my opinion, goes to show that they are unfounded, and that no reliance can be placed on the loose and inaccurate statements of the witnesses.

45. We now come to the second point for which witnesses were called, viz., to prove that the Mahant has always possessed and exercised the right of cutting firewood and wood for the repair of the car, etc., on any part of the hill. The evidence on this point is most contradictory and unsatisfactory. Some cooks of the temple were produced who deposed that firewood was cut at a distance of three or four miles from the temple. Other witnesses said when wood was required

for the car it was brought from Tumburkona and distant jungles ; none of the witnesses had seen traces of its having been cut. On the contrary, the first witness, one of the most influential followers of the Mahant, says "Firewood is brought to the Devastanam from a distance of two miles. Twenty years ago wood was brought from a distance of six miles to construct a new car ;" and the 2nd witness, also a man of position, says : "The wood for the repair of the car was cut in the jungle close to Upper Tirupathy, and part was brought from Madras."

46. Had wood been cut at Tumburkona and other distant jungles, it would surely have been easy to produce the persons who had felled the jungles, or the carpenters who had worked up the rough wood for the car. Instead of that, one or two cooks, a temple monigar, and others are brought forward to say they have seen wood being brought from a distance, but they cannot say where it was cut nor when. I cannot place any reliance on their vague statements, and think the Mahant has entirely failed to show that he has ever exercised a right of cutting wood where he liked. The Peishcar admits that the jungles on the hill have never been leased out by the Mahant ; that he has never issued licenses for cutting wood, nor maintained any establishment for the protection of the jungles. Is it to be supposed that, if the Mahant had ever imagined that the whole of the jungle on the hill was attached to the Devastanam, he would have taken no steps towards protecting such a magnificent property and realizing a revenue therefrom ?

48 A few witnesses only were called to say that all the fruits found in the jungles on the hill are used for the God. When one considers that the whole of the hill, the area of which may be estimated at 100 to 150 square miles is covered with jungle, the bare statement of five witnesses, (two of whom are mere shop-keepers) that all the fruits, the produce of the jungles, are enjoyed by the Devastanam, cannot be considered of any value. The Poligar of Mamandoor, on the other hand, states that, until his Polliem was resumed by Government, he, as his ancestors before him had done, granted leases for the honey, wax, kadukai, and other fruits on the hill, and the other witnesses called by the Tahsildar state that after the resumption Government continued to grant such leases. Of this, however, the Tahsildar could produce no proof from his records. The 4th witness produced the accounts mentioned in paragraph 21 to prove that the Mahant had exercised the right of leasing out the soapnuts. This point was commented on there, and will be noticed again when I come to the evidence adduced by the Tahsildar.

49. Three witnesses were called to depose to the fourth point, and documents marked V, V1, V2, and W, were put in to prove that rent for shops at Upper Tirupathy had been paid to the Mahant. The 21st witness admitted that W was a genuine document executed by his father. This document was executed in 1853, and the executor binds himself to pay Rupees 4 per annum for a portion of a mantapam used by him as a shop. The other three documents were repudiated by the witnesses, and there is nothing to show that they are genuine.

50. I have now noticed the whole of the evidence, oral and documentary, adduced by the Mahant in support of his claim, and proceed to examine the points adduced by the Tahsildar contra.

51. The Tahsildar of Chendragiri advanced the following objections to the claim of the Mahant to the whole of the Tirupathy Hills :—

(1.) A former Poligar of Mamandoor granted 2 square miles of jungle for the use of the temple.

(2.) A Sanad is in existence by which 151 odd cawnies of land on the summit of the hill are granted away not to the temple but to the Inamdar of the Galigoparam.

(3.) Government have always retained the right of leasing out the soapnut trees in the jungle round Upper Tirupathy.

(4.) Since 1860 Government have levied seigniorage on all wood cut on the Tirupathy Hill.

(5.) Government formerly exercised the right of granting leases for certain quarries on the hill.

(6.) The pymaish accounts show that the boundaries of the Government villages at the foot of the hill extend up the slopes far beyond the line cut by the Demarcation Department for survey purposes, and which is now claimed by the Mahant as a boundary line.

(7.) In one village, viz., Timminaidupalayam, land on the summit of the hill is held on putta, and waste land is entered in the accounts as assessed.

52. It appears that in 1872 a complaint was made by the Poligar of Mamandoor that licenses had been issued by the Monigar of Lower Tirupathy for felling wood in the jungle of Gopalapuram, which jungle is situated in the vicinity of Upper Tirupathy, and was, he asserted, granted by his ancestors to the temple. An inquiry was held by a Revenue Inspector, depositions and a Mahazarnamah were taken from people who knew the jungles, and a report submitted. Thereupon, on the 19th April 1872, the Assistant Collector issued a Takeed (marked J, put in by the Mahant in support of his claim) to the following effect :—"The Gopalapuram jungle does not form a portion of that given in endowment to the temple. The jungle granted by the Poligar to the temple is situated within the following limits :—Narayana Paravatam on west, Papavinasana tirtham on north, Vykunta tirtham on east, and Muggubhavi on south. The jungle in question shall continue to be enjoyed exclusively by the temple free from all interference." A copy of this Takeed was furnished to the Mahant with Khat marked J, but from that day to this he has never made any appeal against, or objection to, this decision of the Assistant Collector. He has tacitly admitted that the decision is right, that a grant was made by the Mamandoor Poligar, and that he was not entitled to anything beyond the above limits. I may add that in the inquiry held by the Revenue Inspector, the records of which I have perused, it was clearly proved that Narayana Paravatam (*vide* paragraph 9) is the name of a hill about a mile from the temple, and that the Devastanam jungle lay between it and the temple.

53. The evidence on this first point is as follows :—The 1st witness called by the Tahsildar is the present Poligar of Mamandoor. He heard from his ancestors that about 2 square miles of jungle, round Upper Tirupathy, had been granted by a former Poligar to the temple. In acknowledgment of that grant Rupees 57-1-1 have been, and are still, annually paid to the Poligars of Mamandoor by the Devastanam, and they also receive a valuable cloth which has been worn by the God. Before the Polliem was resumed by Government, this witness exercised the right of cutting wood on the hill, and granted leases for the jungle as his ancestors had done before him. It appears from the pymaish accounts of the village of Nagapatla that when those accounts were prepared, *i.e.*, in fasli 1215 (1806), the whole of the top of the hill was considered to form part of the Mamandoor Polliem. The entry of the boundary at the summit of the slope is as follows :—"To the limit of the boundary of Mamandoor." Now the village and Polliem of Mamandoor are at the very opposite end of the range of hills, 10 miles or more from Nagapatla ; so that it is evident that the summit of the hill was, up to the time the Polliem was resumed by Government, held by the Poligar of Mamandoor.

54. That this grant of jungle was made by a former Poligar is asserted by the Tahsildar's 4th witness, and on this point the Mahant's 2nd witness says : "I heard from my ancestors that the jungle round the temple had been granted 400 years ago by the Poligars to the temple, and it is from this jungle that the daily supply of firewood is cut, Rupees 51 are paid, and presents given annually to the Mamandoor Poligar in consideration of the above grant." This is confirmed by the Mahant's 4th witness, who states that the Mahant annually pays to the Mamandoor Poligar Rupees 57 odd for firewood cut in the jungle immediately round the temple. The 19th witness speaks to the Poligar's right to the jungle, and the 13th witness, as pointed out in paragraph 35, gives very clear evidence on this point.

55. The Peishcar is unable to say whether such a grant was ever made or not, is not aware of the existence of any Sanad to that effect, but admits that for a long time Rupees 57 were paid to the Mamandoor Poligar for firewood. In a Khat (enclosed and marked DD) addressed to the 3rd-class Revenue Inspector of Chendragiri Taluq on the 25th April 1872, the Mahant admits that certain jungle was granted by the former Poligars of Mamandoor Polliem to the Devastanam, and objects to demarcation of the topes within those limits. Again, in his letter to the Board, No. 641, dated 6th December 1872, the Collector of North Arcot reports that "the Mahant states that the lands in Upper Tirupathy were formerly granted to the pagoda by the Poligar of

Mamandoor Polliem, etc." That some such grant, therefore, was made is clear both from the Mahant's own admissions and from the evidence of his own and other witnesses.

56. To prove the second point, the Vakeel of Bagavandossji, the present occupier of the Galigoparam, files a Sanad (marked No. 1) and a genealogical tree (marked No. 2).

57. The Sanad is dated Sarvajittu year, and was issued in the reign of Royalu Viramana Roya Roya Simhasanamvaru, about 400 years go. It is in the form of an order addressed to the persons belonging to the eighteen castes, and is to the following effect :—On the road to the hill at Galigoparam, the devotee Sarvadoss has settled, and is performing divine worship. The road has been rendered pleasant by his stay there. No one shall interfere with the fruit-bearing trees lying within his limits. The locality in which the devotee has taken up his abode has been granted in perpetuity to him and his followers. It is worthy of notice that in this Sanad or order the Galigoparam, which is at the summit of the slope, is described as on the way to the hill, *i.e.*, the sacred hill where the God resides, showing that at that time the boundaries of the temple did not extend beyond Upper Tirupathy Proper. Again, the grant of the "locality" is made not to the temple but to the devotee residing at the Galigoparam.

58. I had an interview with the present devotee who is anxious that the "locality" granted to him by the above Sanad should be demarcated, the Inam enfranchised, and a title-deed issued to him. The boundaries of the "locality" (in which grow mango, jack, tamarind, and other fruit-trees, the produce of which is given away in charity), as by immemorial tenure, will be found on page 34 of the evidence.

59. In support of his third point, the Tahsildar puts in three documents (marked Nos. 3, 4, and 5). The first two are taluq accounts, showing the amount received on account of the lease of the soapnut trees at Upper Tirupathy in faslis 1259 and 1260. The temple had been handed over to the Mahant in fasli 1253, and with it he contends the whole hill ; yet here we have Government granting out on lease trees in the immediate vicinity of Upper Tirupathy, and in No. 5 the Collector, Mr. Bourdillon, directs the Tahsildar to put the soapnut renter in possession of the jungle.

60. The 3rd witness, called by the Tahsildar, was first entertained as a Gumastah in Chendragiri Taluq in fasli 1227 (1817), gradually rose to the position of Taluq Sheristadar is now in the enjoyment of a pension. He states that from the time he entered the public s down to 1843, when the Devastanam was handed over to the Mahant, Government leased out the soapnut trees, that then for two or three years the Mahant assumed the right of granting the leases, until, on a complaint to the Board of Revenue, it was ruled that Government alone had the right to grant such leases. In consequence of this decision, Government have leased out the soapnuts up to the present day. The other evidence on this point is equally clear, and establishes the fact that Government have always reserved to itself the right of leasing out a portion of the jungle in the immediate vicinity of Upper Tirupathy, and that the grant by the Mahant in faslis 1256 and 1257 (*vide* paragraph 21) was an unauthorized one.

Vide paragraphs 21 and 48.

61. 4°. It is admitted by the Peishcar that, though the Mahant knows well that for the last five years Government have issued licenses for cutting wood on the hill, he has never questioned the right of Government so to do, nor made any objection on the subject. As a matter of fact, it is thirteen years since the system of issuing licenses and collecting seigniorage came into force. The Tahsildar's witnesses (4th, 6th, 9th, and 10th) prove that ever since then the different Village Munsifs at the foot of the hill have issued licenses for cutting wood in the Tirumalai jungles, (*vide* the entry in taluq accounts, No. 7.) This must have been known to the Mahant, yet no complaint was made till 1872, and then not by the Mahant but by the Mamandoor Poligar. In fact, as pointed out above, the Mahant in 1862 thought it necessary to obtain the sanction of the Chendragiri Tahsildar before clearing the jungle on the ghaut.

62. 5°. On this point there is the following evidence. The 4th witness speaks of the grant of the lease for quarrying sandal stone from 1829 to 1840, and 3rd witness, the Taluq Sheristadar, from 1813 to 1855. No. 9 is a Takeed from the Collector, dated 18th May 1850, accepting the

bid of Rupees 100 "for the right of cutting stone on the Tirupathy Hill." In 1855 the Collector (No. 8) ordered that the lease should be discontinued on the ground that it was not customary elsewhere. It appears, therefore, that up to 1855, or for twelve years after the Devastanam had been handed over to the Mahant, Government exercised the grant of leasing out the quarries on the hill. To this also the Mahant made no objection, nor since Government relinquished it, has he himself exercised the right.

63. The last two points brought forward by the Tahsildar may be noticed together. The 4th witness deposes that, according to the pymaish, the boundaries of the village of Lower Tirupathy are on the summit of the slope, and that one cawny of assessed land on the top of the hill is or was held on putta. He adds that in the village of Timminaidupalayam, of which he was formerly Curnum, twelve cawnies of land on the summit of the hill have been held on putta since fasli 1258 (1848), and that the numbers situated on the summit all bear names in the pymaish accounts.

64. The present Curnum of Timminaidupalayam (6th witness) produces the pymaish accounts. According to these there are 27 acres of assessed lands on the plateau, the boundaries of which are thus given: "On the Tirumalai Hill Gurupadipenta Chenu and twelve others." The Curnum has inspected all these thirteen numbers. They are at a distance of one and two miles from the line cut at the foot of the hill by the Demarcation Department. He states that the ryots of Timminaidupalayam have always grazed their cattle and cut wood on the hill.

65. The Curnum of Lower Tirupathy (7th witness) produced the pymaish accounts, according to which the village lands extend up to the Galigoparam. Three pymaish numbers containing about 1,256 cawnies are situated on the slopes of the hill. Two of these numbers are assessed, and part of one number is held on putta. The ryots graze their cattle, and cut wood for agricultural purposes on the slopes.

66. The 9th witness produced the pymaish accounts of Puthupatla, the boundaries of which village are at the top of the slope, on which 1,069 cawnies of land entered in the accounts must be sought; that is, the whole of the slopes belong to the village.

67. The 8th witness is a Head Classifier in the *Revenue Settlement Department, who* has for some time employed in the Chendragiri Taluq, and is conversant with the claims of the Government villages. He has demarcated the whole of the lands in the villages of Nagapatla and Gopalapuram up to the foot of the slope, and there remain, by the pymaish accounts, 607 odd acres in the former and 453 odd acres in the latter village still undemarcated. These numbers and acres are, he concludes, on the slopes, as he found, by personal examination, that the boundaries given in the pymaish run along the top of the hill, so as to include the whole of the slopes in the villages. In the pymaish accounts of Nagapatla, two of the slope numbers are entered as cattle-stand. (As the extent of these numbers is considerable, I presume by cattle-stand was meant the grazing grounds of the village). At the time of pymaish, the slope numbers in Gopalapuram were under cultivation. In the pymaish accounts of Reppala Makalapalli and of Mutapalayam, no hill poramboke is entered, but the ryots claim the right of grazing, etc., on the slopes on the ground of immemorial enjoyment.

* Marked CC.

68. I enclose, for reference, a statement* showing all the villages at the foot of the hill, the total extent of the villages as by the pymaish accounts, the extent on the hill, and at the foot. From this and the above, it will be seen that in five villages the whole of the slopes are included in the village boundaries, that cultivation has been and is still carried on not only on the slopes but on the summit of the hill, and that the ryots of the other villages have, from time immemorial, enjoyed the right of pasturing their cattle and cutting wood for agricultural purposes both on the slopes and on the plateau. Moreover, it appears that a large tract of jungle on the hill has been demarcated as belonging to the Kirkambadipalayam which the Mahant has tacitly agreed to.

69. There is one other point I would call attention to. It will be noticed that, in paragraph 7, I mentioned a tope or garden which the peishcar informed me was unconnected with the Devastanam, and was the private property of the Mahant. While I was inspecting the different topes at

Upper Tirupathy, he continually impressed the same fact upon me, viz., that such and such topes were the Mahant's private property, and did not belong to the Devastanam, although the produce was devoted to charity. It is difficult to see how, if, as the Mahant contends, the whole hill belongs to the Devastanam, any part of it can be his private property. There is no doubt that, if the Zemindars and others at whose expense the topes at Upper Tirupathy were planted, and are kept up, were consulted, they would claim the topes as their private property, and argue that, though the produce was given in charity, the topes were in no way connected with the Devastanam. The Mahant exercises no right in respect of these topes. He cannot demand that the produce be given to the temple. To declare that the whole hill belonged to the Devastanam would be a most unwarranted interference with private rights of ownership in these gardens, and it is not likely that the proprietors would timely submit to have their property thus transferred to the temple.

70. The following are the conclusions I have arrived at, and the suggestions I venture to make:—

(1.) The Mahant has entirely failed to prove that the whole hill, or any part of it was ever attached to, or that the whole of the jungle thereon was ever enjoyed by the Devastanam. On the contrary, it is evident that the hill and its jungles have always been considered to be the property of Government. I think, therefore, the Mahant's claim to the Tirumalai Hill should be rejected.

(2.) It is considered by Hindus the duty, though it is evidently not the practice, of the Mahant (as the Manager of the Devastanam) to keep in repair the roads or paths mentioned in paragraph 7, with the shrines and mantapams thereon. I would suggest that the four paths or roads leading from Upper Tirupathy to Bálapalli, (1) to Chendragiri, (2) Lower Tirupathy as far as the Adipadigoparam, excepting the portion which runs through the Galigoparam Inam, (3) and to the tirthams or waterfalls, (4) together with fifty yards of jungle on each side of the above paths should be declared to be the property of the Devastanam.

(3.) I consider it clearly proved that the different topes at Upper Tirupathy, the Mahant's garden half way between Upper Tirupathy and the Galigoparam, and the "locality" claimed by the resident devotee of the Galigoparam, are private property, in no way connected with the Devastanam, but that, as a rule, the produce is devoted to charity. I venture to recommend the grant of free Inam title-deeds to the separate owners, whose names will be found in Register No. 1 (*vide* AA, Précis).

(4.) It is evident that no assessment has been levied on these topes or gardens. I think none need now be imposed as long as the produce is given away in charity.

(5.) As the Mahant and his followers are opposed to the detailed demarcation of the topes in question, if it should be decided that no assessment be levied, I would recommend that demarcation be declared unnecessary.

(6.) It is evident that some portion of the jungle immediately surrounding Upper Tirupathy was formerly granted for the use of the temple, and that firewood for daily use is, and has always, been, cut there. I would, therefore, recommend that half a mile of jungle on each side of the temple be ceded to the Devastanam, and that the portion so handed over be demarcated. This will afford an ample supply of firewood for all purposes.

71. Trusting to be excused for the length to which this report has run, I have, etc.

P.S.—The documents put in by the Mahant and Tahsildar have been forwarded to your address by rail.

(True Copy.)

(Signed) W. S. WHITESIDE,
Collector.

From W. S. WHITESIDE, Esq., Collector of North Arcot, to J. GROSE, Esq., Secretary to the Board of Revenue, dated Vellore, 16th January 1874, No. 16.

ADVERTING to the Board's official memorandum, No. 1,723, dated 5th November 1873, I have the honour to state that the contract bond therein referred to, or

a copy thereof, is not forthcoming either in the records of my office or in the taluq records.

2. From the Chendragiri Tahsildar's Arzi, No. 410, dated 28th December 1873, it appears that out of the villages referred to in paragraph 2 of the above memorandum, portions of the Tirupathy hill are situated in the villages noted in the margin.

* Puthupatla and Timminaidu Palayam.

3. Translation of the Tahsildar's Arzi is enclosed for information.

4. I regret the delay in replying to the Board's reference. It was owing to the thorough search instituted for the contract bond and the subsequent necessity for reference to the taluq.

Enclosure No. 1.—Translation of an Arzi from the Tahsildar of Chendragiri to the Collector of North Arcot, dated 28th December 1873, No. 410.

Enclosures Nos. 2 and 3.—Petitions Nos. 2,791 of 1873 and 214 of 1874.

Submitted for the orders of Government.

2. These papers relate to a claim to the range of hills on which the Tirupathy temple stands, which is made by the Tirupathy Mahant. The hills are called in the Ordnance Map the "Tirumalai" and "the sacred hills of Tirupathy," and they are estimated to comprise from 100 to 150 square miles, most of which is covered by valuable forest.

3. The claim came to light when the Settlement Department began to demarcate in the neighbourhood, and when it was brought to the notice of the Board by the Director of Revenue Settlement and the Inam Commissioner, the Board deputed Mr. Wilkinson, who was then serving in North Arcot, to hold a personal investigation.

4. The record of the inquiry is now before the Board. It was managed both thoroughly and expeditiously, and the Board consider it right to thank Mr. Wilkinson specially for the manner in which the duty entrusted to him was performed, and for the clear and interesting report in which the results of the investigation are set forth. The oral and documentary evidence now on record are sufficient to justify a confident decision as to whether the Mahant's claim should be admitted or not.

5. The claim rests on no title-deed granted by the British or any former Government, but derives all its force from immunities permitted because of the reputed sanctity of the hill and the temple. A few years ago none but pure Hindus had ever been allowed to pass the first portal on the ascent from Lower Tirupathy to Upper Tirupathy where the temple stands, and the prohibition is still in full force and strengthened by the authority of Government. The temple is resorted to by crowds of pilgrims, and they prostrate themselves to the ground directly they come within sight of the hill. The roads on the hill, the places of shelter along the roads, and several waterfalls, which are said to exist on the hill and partake of the sanctity of the temple, are indisputably in charge of the Mahant. Knowing the reverence attached to the temple by Hindus, the

Proceedings of the Madras Government, Revenue Department,
26th March 1874.

British Government have abstained from interfering with it or its neighbourhood. Upper Tirupathy has never been measured at the time of the pymaish or subsequently, and no assessment has been collected on Topes and Inams on the hill.

6. The claim having been made, the first thing to consider is when it could first have originated, and when it was first asserted. The temple is very ancient, but the revenues seem always to have been considered the right of the reigning Government, though Hindus maintain that before the advent of the Mussalmans Hindu princes used to make over this right to the temple. In 1843, Government renounced all connection with the temple, and transferred the control over its affairs and the management of its revenues to the chief of an establishment of ascetics at Tirupathy. If the hill really belonged to the temple, it was to be expected that it would be mentioned in this order of transfer, or that if it were not so mentioned, the Mahant, to whom the transfer was made, would have called attention to the omission. The Sanad is described by Mr. Wilkinson in paragraph 16 of his report. It mentions Inams belonging to the temple and its worshippers, but not the hill, and the Mahant never applied for the hill also to be mentioned. Again, when the Inam Commissioner was settling Inams and hill-polliems, it was to be expected that the Mahant would ask for a title-deed for the hill if he thought he had any right to it. The Commissioner settled the Inams belonging to the worshippers, priests, etc., of the temple, and the Mahant's Agent was present during the inquiry, but the hill was never mentioned.

7. It is unnecessary to review the documents produced by the Mahant's Manager before Mr. Wilkinson, as this is done fully in the report; but certain orders passed in 1872 and 1873 require notice. In 1872 Mr. R. Sewell, then Assistant Collector, without referring to higher authority or former correspondence, declared that a certain portion of the jungle on the hill belonged to the temple, having been granted to it by the Mamandoor Poligar. In 1872 Mr. H. Sewell, who was Acting Collector, having the order by Mr. R. Sewell brought to his notice as one affecting all the forests on the hill, directed a contractor not to cut any wood in the hill-jungles without the consent of the Mahant. Mr. R. Sewell made a serious mistake in issuing the rash order above described without any authority to do so. It led Mr. H. Sewell, as Acting Collector, to make another mistake, and if such mistakes had been repeated again and again as years elapsed, the Mahant's claim would have gained life from Mr. R. Sewell's initial error. As it is, the orders are so recent and the inquiry has come so soon after them that they carry no weight, and no harm has been done.

8. In Petition No. 214 of 1874 two documents, or rather copies of documents not produced in Mr. Wilkinson's inquiry, are submitted to the Board. One is said to be about two centuries old, and to have been given by the *then* ruler. The following is stated to be a translation of it:—"Vencatapathy Deva Maharayalu-varu came to Vrooshachelam (mountain) and witnessed Sriswamivaru (God), who is the sovereign of Sri Vencatadry (Tirumalai Hill)." The second is said to have been given by the Hyderabad Government to the officer in charge of the Chendragiri Taluq, and the translation is said to be: "There exist mattams which are paradise of Hatteram Mahant in Tirupathy, and also in Tirupathy above the hill which belongs to the Deity. Therefore, no annoyance should be caused to the said paradise mattams and to the said Mahant. The lands and gardens should

continue rent-free as per mamool. You should consider this letter as a Takeed, and enforce the terms thereof without any objection." Even if these documents are genuine, and all that they are said to be, they do not prove much. A mere assertion by one prince that the God was the sovereign of the hill, and by another that the hill belonged to the God does not go far. It is a very different thing from a definite grant of a specified tract, or even from a recognition that such a grant has been made. The omnipresence and omnipotence of a Deity are not inconsistent with human rights of ownership.

9. To corroborate the documentary evidence, witnesses, as to boundaries and possession, were produced, but Mr. Wilkinson's review of their depositions, which is full and fair, shows that they did not make out the Mahant's case.

10. All that the Mahant showed is that the temple and its neighbourhood are reputed to be of great sanctity, that the whole hill is shadowed by this sacredness, and that the ownership of the hill *may* have become his by prescriptive right, simply because Government have shunned interference with what was "holy ground" to a large section of its subjects.

11. This presumption is completely rebutted by the evidence on the other side, which contains all the elements that can be expected in such a case. It is shown that, in recent times, the holy ground, or, at all events, the greater part of it, belonged to a Police Poligar whose polliem has been resumed, and to Government villages, and that Government have continuously exercised rights of ownership all over the hill, except in the immediate vicinity of the temple.

12. On the east of the hill is Mamandoor, the seat of an old Kavelpolliem. polliem was resumed in 1846, but it is in evidence that in 1806 most of the plateau on the top of the hill belonged to it, whilst even in 1846 the southern slope belonged to one of its villages, and 27 acres on the plateau to another. There is strong evidence that even the jungle immediately around the temple was given to it by the Poligar, though he could have had no right to alienate a part of his service polliem without the consent of Government. The evidence of the fact consists of common tradition confirmed by an admission of the Mahant in 1872, and the fact that an annual payment is made to the Poligar by the Mahant. Moreover, some of the villages (besides those referred to above), which lie at the foot of the hill, possess part of the slopes and even part of the plateau. Thus the pymaish shows that Nagapatla has 607 acres, Gopalapuram 454, and Tirupathy 1,662 acres on the hill, whilst 15 square miles of it have been demarcated without opposition from the Mahant as part of the Kirkambadi Polliem. Even the Mahant says that certain topes on the hill are his *private* property, and the rest would no doubt be claimed as private property held independently of the temple if the hill were distinctly assigned to the temple. A Sanad (which seems not to be disputed by the Mahant) is produced by the holder of certain land on the hill. It purports to have been granted to the holder's ancestors 400 years ago by the *then* ruler Royasunhasanamvaru, and gives him about 152 cawnies of land for services rendered in a goparam on the way from Lower Tirupathy to Upper Tirupathy.

13. It is shown that since the temple and its appurtenances were made over to the Mahant, Government have collected a revenue from the soapnut trees round Upper Tirupathy, and this in spite of the Mahant who assumed a right to lease the trees for the first two years; that they have levied a seigniorage on timber cut on

Proceedings of the Madras Government, Revenue Department,
26th March 1874.

the hill ever since the levy was authorized throughout the Presidency; and that they even leased out quarries on the hill for twelve years after they had ceased to be connected with the temple.

14. The Board have no hesitation in advising Government to reject the Mahant's claim.

15. The easiest way to settle the question would be to demarcate Upper Tirupathy, the topes, and the Inam referred to in paragraph 5; but this would cause offence to the feelings of the temple devotees, and the Board think it is unnecessary.

16. It will be sufficient if the Settlement Department are directed to demarcate the boundaries of the villages lying around the hill, even when they run up the slopes; and if the Mahant is informed that he will not be interfered with so far as regards a circular tract, two square miles in extent, having the temple in the centre, and a radius of 1,404 yards, and the roads leading to Lower Tirupathy, Chendragiri, Bélapalli, and the waterfalls, with the land for 50 yards on each side of the roads, and all round the waterfalls, provided, of course, that no timber is conveyed beyond the hill by him or purchasers to whom he has sold it, and that the roads are kept in proper repair.

17. The Inam Commissioner may be instructed to give rent-free title-deeds for the Topes and the Inam, as *said* to contain a certain extent, if ownership is proved in the usual way (the Mahant being allowed to show cause why title-deeds should not be issued if he thinks fit); but the Topes and Inam need not be demar-

It must then be decide[illegible] the
the hill, which is not granted to the Mahant and the owners of the Topes and Inam, as a reserved forest.

No. 235. ORDER THEREON, 26th March 1874, No. 388.

Miscellaneous.

THE Government fully concur in the conclusions to which the Board have come with reference to this claim, and resolve to adopt the proposals made in paragraph 16 of the Proceedings recorded above. The Mahunt will be liberally treated by this arrangement, and all necessary facilities are thereby afforded for the convenience of pilgrims visiting the shrine.

2. The Inam Commissioner should follow the suggestions contained in paragraph 17, and the Collector and Inspector of Forests will report further on the question raised in paragraph 18.

3. Mr. Wilkinson's report does him much credit.

(True Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.
,, the Inam Commissioner.
,, the Inspector of Forests.

Exd. W. H. French.

C. No. 596.

From Board

2 Oct 12 1874

The Bd's proposals seem very sensible.

21/2.

I think the Hon Secretaries should be addressed.

I do.

Re-claim but deal liberally with the Maharaj & repre-sents a large religious interest

25/4 MR

I agree: the Bd's proposals are I suppose liberal: but great care must be taken to avoid offending the religious feelings of the people.

GOVT. OF BOMBAY.
REVENUE.

Dated March 1874

Rec'd.

Read.

Acknowledged.

Despatched.

Dated 2nd June 1874.

From The Secretary to the Board of Revenue,

To The Secretary to Government,

Revenue Department.

Sir,

I am directed by the Board of Revenue to forward herewith a petition dated 4th May 1874 from Bhagwandas Purshotamdas and others, praying that the Board will recommend to Government the grant of a piece of land in Bombay for the erection of a Temple.

2. The Board do not consider that they have any power to grant the land applied for, but they think that the petitioners should be informed that the Board will recommend the grant to Government, if they will submit a plan of the proposed building, and will undertake to complete it within a reasonable time.

3. I am to request that you will favour the Board with the orders of Government in the matter.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) [illegible]
Secretary to the Board of Revenue.

Bombay Castle, 2nd June 1874.

Dated 2nd June 1874.

From The Secretary to the Board of Revenue,

To The Secretary to Government,

Revenue Department.

Sir,

I am directed by the Board of Revenue to forward herewith a petition dated 4th May 1874 from Bhagwandas Purshotamdas and others, praying that the Board will recommend to Government the grant of a piece of land in Bombay for the erection of a Temple.

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I have the honor to be,
Sir,
Your most obedient servant,
(Signed) [illegible]
Secretary to the Board of Revenue.

Bombay Castle, 2nd June 1874.

FOR ORDERS.

Disputed claim to
the range of Stills in the
II

4.10.24 II
4-3-25 II
15 II 25

Back no 232-35

388 Rec
26.3.1874

Revenue Department.

No. 388

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 26th March 1874.

READ the following Rec of the Board of Revenue.

Forwarding, with remarks, papers relating to a claim to the range of Stills on which the Tirpathy temple stands. (H. E. 20th February 1874, No. 385

The Govt fully concur in the conclusions to which the Board have come with reference to this claim, and resolve to adopt the proposals made in paragraph 16 of the Rox recorded above. The Merchant will be liberally treated by this arrangement, and all necessary facilities

are

are thereby afforded for the convenience of pilgrims visiting the shrine.

2 The Swan Commissioner should follow the suggestions contained in paragraph 17, and the Collector and Inspector of Forests will report further on the question raised in paragraph 18.

3 Mr Wilkinson's report does him much credit.

Eyk

To

13 The Board of Avenue
3 — " Swan Commissioner
2 — " Inspector of Forests
} Let: 27. 3. 74.

60/5

2 32-235

Claim to the range of [illegible]
[illegible] and the depth of [illegible]