M.R.O. 1—20,002—12-8-65.

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(2) Date of repair 10-1-68

(3) Initials of the Referencer 24.4.88

# MADRAS RECORD OFFICE

## GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1419 Press
~~B.P. No.~~ ~~Mis.~~

Dated 27-9-1875 ~~196~~ .

*Not to be folded or roughly handled*

*Proceedings of the Madras Government, Revenue Department,*
*27th September* 1875.

No. 238. Read the following Proceedings of the Board of Revenue, dated 10th August 1875, No. 2,226, Forest No. 165:—

Read the following letter from A. McC. WEBSTER, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 21st July 1875, No. 1,344:—

I HAVE the honor to seek the instructions of the Board and Government as to the disposal of the following typical case connected with claims to jungles.

2. In the year 1827, A. purchased at a Court's auction the lands of a Mooly warg, in the chitta of which was the item of kumeri koralaya (shist). In the Durkhast Moolpatta, or certificate of sale granted by the Court, the rice and garden lands of the estate and jungles represented in the chitta by the kumeri assessment are mentioned. A copy of the durkhast putta was sent to the Principal Collector of the day, who forwarded it to the Tahsildar with orders to transfer the warg to A.

3. From that time until Fasli 1270 (A. D. 1860-61) A. continued to pay the kumeri assessment and to cut kumeri. In Fasli 1271 (A. D. 1861-62), the kumeri assessment was struck out of the chitta in accordance with the orders of Government, dated 23rd May 1860, No. 830, Revenue Department, and the cultivation of kumeri has been since then discontinued.

4. The jungles mentioned in the durkhast putta have been included in the list prepared by the Deputy Conservator of Forests, and a notice inviting claimants to prefer their claims was published. A. now comes forward and claims the jungles as attached to his warg.

5. There is no doubt that up to Fasli 1270 (A. D. 1860-61), the jungles were considered to belong to the warg, inasmuch as they were specially mentioned in the sale-certificate, and because the Wargdar had, until then, uninterruptedly cut kumeri therein.

6. It seems to me that in this case the jungles claimed by A. should be excluded from demarcation; but before disposing of the case in this manner, it is, I think, advisable to obtain the instructions of Government thereon, as it is only one of very many cases that will arise in the course of the inquiry, in which the owners of estates that formerly paid kumeri shist (in other parts of the district than the five Bekul Maganies) will come forward and claim jungles in which they formerly cut kumeri.

7. The Board are probably aware that in Fasli 1271 (A. D. 1861-62), the kumeri shist on many wargs in the district was remitted under the orders of Government, and the cultivation of such "warg kumeri" was prohibited. All these Wargdars will now come forward and claim jungles. In cases like the one above detailed, the claimants will have sale-deeds or Court decrees to support their claims; but in others, where the wargs have not changed hands for generations, there will not and cannot be any documentary proof. The claims will rest entirely on the proof of uninterrupted enjoyment of the jungles up to Fasli 1270 (A. D. 1860-61), and to the inclusion in the chitta of the warg of kumeri shist. This latter is the "unsound plea" adverted to by Government in paragraph 6 of their Proceedings of 23rd October 1874, No. 1,361, Revenue Department. The payment of kumeri shist in cases where there is no documentary evidence will

not, I think, be urged by itself as a ground of claim, but will be accompanied by proof of long enjoyment of the jungles; and it appears to me that the Government in paragraph 6 of their order, when alluding to the "rejection of the unsound plea," did not intend to prohibit my giving due weight to the entry of kumeri shist in the chittas in any case where previous possession of the jungles, *even for purposes of kumeri cultivation alone* could be shown; and that, too, not only in the five Maganies of the Kassergode (Bekul) Taluq, but in the rest of the district.

8. The reasons for the rejection of claims based on the payment of kumeri shist are given in paragraphs 6 and 7 of the G. O. of 23rd May 1860, No. 830, Revenue Department; but I think there has been a misconception as to the meaning of the Collector's letters on which this opinion was based. Mr. Blane was of opinion that the kumeri shist was of the nature of a rent, and that on the adoption of *yearly* (?) puttas by Colonel Munro, rents of all kinds were included in them; that most of the miscellaneous items have since been transferred to extra revenue, but that the kumeri shist being collected from the land was allowed to remain. In regard to this opinion, it is to be observed that the *yearly* puttas consisted of the Durmuti Chitta prepared in Fasli 1211 (A. D. 1801-02), and the Sarasari Chitta prepared in Fasli 1229 (A. D. 1819-20). In these chittahs the rice (Dhanamadi), garden (Bagayet), and Kumeri shists are all separately distinguished, and Mr. Blane's argument, if carried out to its legitimate conclusion, would go to show that the Bagayet (garden) shist was also of the nature of a rent. Moreover, the very fact of "Shamil" having been imposed by former Governments on the kumeri shist, in the same manner as on Dhanamadi and Bagayet shists, either singly or in a lump sum (*vide* Board's Proceedings, 21st July 1863, No. 4,495), would go to show that the kumeri shist was of a more permanent nature than any of the miscellaneous items alluded to by Mr. Blane.

9. Again, from paragraph 7 of the G. O. of 1860, it would appear that stress is laid on a statement of Mr. Fisher, that up to Fasli 1231, the kumeri collections were entered in the Motarpha accounts as "kumeri koralaya," as a proof of the views then taken of the nature of this item as a casual and variable branch of revenue. Mr. Fisher's statement is contained in paragraph 45 of his letter to the Board of Revenue, dated 30th August 1858, No. 91. In that paragraph, however, he is alluding to sircar kumeri, and not to warg kumeri, the shist of which was collected with the rest of the assessment on a warg and credited to land revenue.

10. I have already brought this matter to the notice of the Board in paragraphs 14, 15 and 16 of my letter to the Board of 15th February 1871, No. 226 (*vide* Board's Proceedings of 28th February 1871, No. 884), and I only allude to it here to show that I think some consideration should be shown to the fact of there having been kumeri shist entered in the chittas of the wargs, and that the entry of such a shist, coupled with the former and until Fasli 1270 (A. D. 1860-61) uninterrupted enjoyment of certain jungles for kumeri cultivation, should be sufficient of themselves to save those jungles from demarcation.

11. There is another point on which it will be as well now to seek the instructions of Government. I anticipate that I shall, during the course of the



inquiry, find some jungles to which no exclusively *private* claims will be made, yet which have always been considered common to the villagers and have been preserved by them. These jungles will not be worth demarcating and reserving by the Forest Department, but should be conserved and treated as village jungles. I have the honor to request orders as to whether in such cases I should assert the rights of Government and reserve the jungles as village jungles under the Jungle Conservancy Fund, or put them under the Forest Department under the license and voucher system. At the conclusion of the inquiry, and when the extent of such jungles is known, I will submit proposals for their conservation.

---

SUBMITTED for the orders of Government.

2. The Collector of South Canara asks for instructions on several points connected with the inquiry into the claims of private persons to forest lands in the district, which he is conducting under G. O., dated 23rd October 1874, No. 1,361.

3. The question is as to the disposal of claims based on the payment of kumeri shist up to the time of the prohibition of the cultivation in Fasli 1270. The Collector's contention seems to be, that Government having stigmatized as unsound the plea on which kumeried jungles were declared not to be private property (*viz.*, that the appearance of kumeri shist in the yearly puttas was accidental and that it was a mere item of extra revenue), the entry of kumeri shist in the warg chittas, from which the puttas were taken, must be held to be an indication of proprietary right as well as the entry of the shist on rice and garden lands; that where there is documentary evidence, such as sale-deeds, or Court sale conveyances which contain particulars by which the jungles on account of which the kumeri shist was levied can be identified, such jungles should be exempt from demarcation as State forests; that where such documentary evidence of identification is wanting, evidence of long enjoyment of certain jungles for kumeri up to Fasli 1270 should be accepted as equivalent; and that the reason of the case applies not only in Bekul (Kassergode), but wherever warg kumeri occurs in the district.

4. The Board concur in the Collector's arguments and conclusions; provided that the evidence is sufficient to show long-continued enjoyment and not merely solitary or occasional felling for kumeri cultivation.

5. The Collector further inquires what is to be done in the case of jungles which have hitherto been regarded as village jungles and conserved by the villagers. The Board are of opinion that the rights of Government in the interests of the community should be asserted to these jungles; but that they should remain for the present under the management of the villagers, and the question of their treatment in detail be left for settlement hereafter when their extent and value is ascertained.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 239. ORDER THEREON, 27th September 1875, No. 1,419.

Forests, No. 23.

THE Board have apparently not quite rightly apprehended the Collector's contention.

2. The Government rejected in 1860 the claim to a proprietary right in forest land based on the insertion of Kumeri Koralaya in the wurg putta, and in 1874 designating this procedure "as the rejection of an unsound plea" they go on to say that there are other and stronger grounds for recognizing proprietary rights in Kumeried jungles, and direct their recognition accordingly as regards Wurg Kumeri.

3. Mr. Webster now brings to notice that a claim has been asserted based on the old entry of Kumeri Koralaya among the "Shist" items in a wurg putta which was struck out under the Government Order of 1860—the claim having the additional foundation that the land was purchased at a Court sale, and that the Kumeri land was included in the sale-certificate. He asks how he is to deal with such and other cases of claims to WURG Kumeri when the areas are proposed to be demarcated as Government reserves. The Government consider that, as recommended by him, such jungles should be *excluded* from demarcation, and the claims disposed of by the Collector on their merits, the entry of Kumeri shist in the *wurg* putta being allowed its full weight as evidence.

4. As regards the "common" jungles referred to in paragraph 11 of the Collector's letter, the adoption of the course proposed by the Board in their last paragraph is approved and sanctioned.

(True Extract.)

(Signed) L. A. CAMPBELL,
*Under Secretary to Government.*

To the Board of Revenue.
" the Collector of South Canara.
" the Officiating Inspector of Forests.

Exd. W. H. French.

3

FOREST No. 165.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th August 1875, No. 2,226.

Read the following letter from A. McC. WEBSTER, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 21st July 1875, No. 1,344:—

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3. From that time until Fasli 1270 (A. D. 1860-61) A. continued to pay the kumeri assessment and to cut kumeri. In Fasli 1271 (A. D. 1861-62), the kumeri assessment was struck out of the chitta in accordance with the orders of Government, dated 23rd May 1860, No. 830, Revenue Department, and the cultivation of kumeri has been since then discontinued.

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1449/5

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question of their treatment in detail be left for settlement hereafter when their extent and value is ascertained.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department.

Copy to the Collector of South Canara.
" Officiating Inspector of Forests.

Ed. W. H. French.

No 1 June/59 pp 3-4
— 23 may/60 — 32-33.
— 6 march/71 — 83-84.
— 23 octr/74 — 282-87.

Rev: 1875: Dept
No 1022 M 355

1875.

# Board of Revenue,

## MADRAS.

PROCEEDINGS, 10TH AUGUST 1875, No. 2,226.

Encl.

SOdo 1419 - 27 September 1875

Received 13 Sept

AUGUST.

Forest No. 165.

*Forest Lands*—in South Canara District.—Letter from Collector, requesting instructions on several points connected with the inquiry into claims of private persons to—, and inquiring what is to be done in the case of jungles which have hitherto been regarded as village jungles and conserved by villagers, submitted to Government with remarks.

h-238

Inquiry

and therein be of importance
to the movement
which the Court take under
consideration - Your conclusion
is adopted, appears I
hear from you to this effect
by telegraph I can at
once settle accounts.
Order that hence



arises in the part of the country
I command operations
in -
I think the Board have
slightly misunderstood
a portion of my letter - The
"unsound plea" I referred
to having been rejected
by Court even the plea that

the trustees of Kennery Shirt in
his accounts bear of strict
evidence of proprietary right
in purples. This plea was
repeatedly pressed in 1866 as
unfounded, but as I
have shewn, they did not
draw a distinction between
"Tricar Kennery" which was



rily temporary, and "Kenny
nery" the Shirt on which
included in the bye-laws of
ny, & ruled on the very
ia - The letters of the Collectors
Court
which they came to the
union that the plea
unfounded, referred
rican & not to any

kennery. My reason is that
the entry of kennery Street in
the way children could
with pleasure enjoyment
if proper showed be suf
-ficient to exclude those
people from demarcation
I wanted not trouble
you to attend here

it not that I have applied
for leave from 1st Oct.
and want to get as much
work done as possible before
then; and many of the claims
will turn on the entry of
Kennery Street.

Believe me
Yours &c
W.M. Webster

question of their treatment in detail be left for settlement hereafter when the extent and value is ascertained.

(A true Copy and Extract.)

10

To the Acting Secretary to

Copy to the Collector

,, Officiating Inspect

Revenue Department.

No. 1419

14

Copy of the Madras Government

Under date the 27 Sept/75.

Revenue Department.

No. 1419

14

Copy of the Madras Government

Under date the 27 Sept/75.

Forwarding Copy

of Revenue

10

Dear Mr. Hudleston

The enclosed P.O.

from Isac Webster

RC Enabled me

today I send You

the draft order for

Perusal. You will

see that points at

the Boards disposal

as noticed by You.

I fear it is too late

NUE DEPARTMENT.

12

1875.

1875, No 2226

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of

Ed. W. H. French.

Board of Revenue,

MADRAS.

PROCEEDINGS, 10TH AUGUST 1875, No. 2,226.

Read Despatch from Govt. Madras

No. 1419 dated 27th September 1875

Received 13 Aug 75

AUGUST.

Forest No. 165.

*Forest Lands*—in South Canara District.—Letter from Collector, requesting instructions on several points connected with the inquiry into claims of private persons to—, and inquiring what is to be done in the case of jungles which have hitherto been regarded as village jungles and conserved by villagers, submitted to Government with remarks.

P-238

Encl. Letter No. 1419 dated 27th Sept 1875

question of their treatment in detail be left for settlement hereafter when th
extent and value is ascertained.

(A true Copy and Extract.)

10

To the Acting Secretary to

Copy to the Collector o
,, Officiating Inspecto

Ind. W. H. French.

telegraph was
the could not get
a copy of the P.C.
before leaving.
Exp Inward
Mudalampalli
25/9.

BOARD OF REVENUE,
MADRAS.

PROCEEDINGS, 10TH AUGUST 1875, No. 2,226.

Copy of Papers
Encl.
SCo's 1419-25 dt. 2nd October 1875—
Received 13 Oct.

AUGUST.

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F-238.

11

12

Revenue Department.

No. 1419

14

14

Endorsement of the Madras Government
Under date the 27 Sept 75.

Revenue Dept.

Revenue.

REVENUE DEPARTMENT.

1875.

1875. No 2226

have

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Kovalaya in the Attoor

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this procedure as the rejection

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question of their treatment in detail be left for settlement hereafter when th
extent and value is ascertained.

(A true Copy and Extract.)

To the Acting Secretary to

Copy to the Collector
,, Officiating Inspect

I have passed the
Dept. with slight
correction in accord.
with my note accepted
by the Secretary.
Under this Govt. &
Govt. sanction of this
views. GK

Revenue Department

No. 1419

14

14.

ndrigo of the Madras Government

Under date the 27 Sept/75.

Revenue Department.

12

No. 3553

From B. of Rev.

Dated 10 August 1875.

1875, No 2226

FOR ORDERS.

Re B. Law Agent's letter
appointed the Collector
of Canara
Re Govt. rejected the claim
a proprietary right
land based on the interpret
of Amuri Korlaya in the
petition
Re Govt. requesting
this Government "as to rejecting
"upon account of the
Govt. may state their reasons for recognising
proprietary rights in unwatered
jungles, & direct their
enquiries as conducive
as regards Survey Numbers

I think that
this is the question
comes - BH.

Certainly
Yes KH

Board of Revenue,

MADRAS.

PROCEEDINGS, 10TH AUGUST 1875, No. 2,226.

Copy of Govt. Order Mad.
No. 1419-27 dated September 1875—

Received 13 August

AUGUST.

Forest No. 165.

*Forest Lands*—in South Canara District.—Letter from Collector, requesting instructions on several points connected with the inquiry into claims of private persons to—and inquiring what is to be done in the case of jungles which have hitherto been regarded as village jungles and conserved by villagers, submitted to Government with remarks.

Ref. W. H. French.

P-2238.

Forwarded

question of their treatment in detail be left for settl
extent and value is ascertained.

(A true Copy and Extract.

To th

Encl.

W. Waterhouse Esqr
Collr
Canara

Sir,

I have the honor to inform you that a claim has been asserted based on the old entry of Kumeri Kooruba against the "Shist" claims in the Honnawur Talook under the 20th Govt. Order bearing date 2nd Augt. 1875 that the Kumeri land was purchased at the Sale of Sirsi Talook and that the Kumeri land was included in the Sale Amount.

Remarks how far in Detail & Extent of the extent of claims & how Kumeri from the areas as proposed & to be demarcated as Govt. Forests.

Name & Designation

Encl. Copy of Govt. Order No. 1419-87 dated 2nd September 1875.

Revenue Department

No. 1419

14

Proceedings of the Madras Government

Under date the 27 September

Revenue

13

in saying that a claim recommended by him should be excluded from demarcation - & the claims disposed of by him on this merit. The entry of Kumeri Shist in the Honnawur Sunka Limits altered it fell right according. As regards the "Kumeri" jungles referred to in para 11 of the Collr's letter Govt. adopt the course proposed by the Govt in their last para -

Collector

rejected in

to a proposal

Govt. have

on the insertion of Kumeri Koralaya in the Honnawur Sunka and in 1874 designated this procedure "as the rejection

7

238

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extent and value is ascertained.

(A true Copy and Extract.

To th

End.

FOR ORDERS.

Forest Lands in
South Canara

Despatch to Govt.
Madras.
No. 1419 dated 8th September 1876.

Subject

AUGUST.

Forest No. 165.

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garded as village jungles and
conserved by villagers, submitted to Govern-
ment with remarks.

1-238.

Revenue Department.

No. 1419

14

Proceedings of the Madras Government
Under date the 27 September 1876.

Read the following Report
of the Board of Revenue.

Subject letter from Collr. of South Canara requesting instructions on several points connected with the inquiry into the claims of private persons to Forest Lands &c.

(M.E. 10 August 1875, No 2226)

The Board have apparently not quite rightly apprehended the Collector's contention.

2. The Govt rejected in 1860 the claim to a proprietary right in Forest Land based on the assertion of Hindu Koralaya in the Sirsy Sunda and in 1874 designated this procedure as the rejection

of

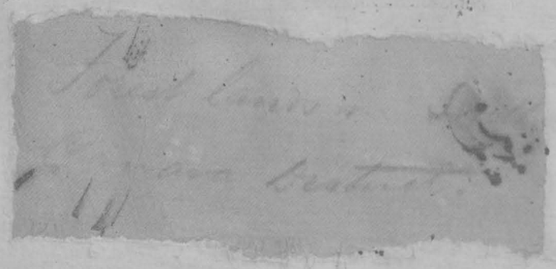
of an unsound plea" they go on to say that there are other and stronger grounds for recognising proprietary rights in Kumeried jungles, and direct their recognition accordingly as regards Kumeri

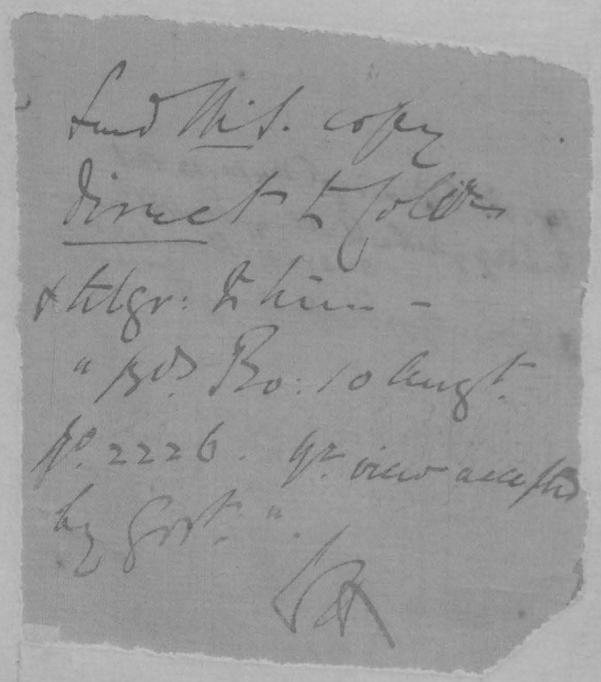
3. ~~As regards Kumeri~~ Mr Webster now brings to notice that a claim has been granted based on the old entry of Kumeri Konlaya among the "Shist" items in a Wang patta which was struck out under the G.O of 1860. The claim having the additional foundation that the land was purchased at a Court sale and that the Kumeri land was included in the sale certificate. He asks how he is to deal with such

and other cases of claims Wang Kumeri where the areas are proposed to be demarcated as Govt reserves. The Govt consider that as recommended by him such jungles should be excluded from demarcation and the claims disposed of by the Collector on their merits by the entry of Kumeri Shist in the Wang patta being allowed its full weight as evidence.

4. As regards the "Common" jungles referred to in para 11 of the Collectors letter, the adoption of the course proposed by the Board in the last para is approved and sanctioned.

14 To the Board of Revenue 12 Oct
2nd Copy to the Collector of South Canara
Dis 27 Sept 1 Encloded Copy
Dis 12 Oct
3 To the Dy Inspector of Forests Dis 12 Oct





C. 26 Sep. 1875 No. 27 Sess 5