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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.
B.P. No.

868

Press
Mis.

Dated

3-6-1875

196

Not to be folded or roughly handled

No. 24. Read the following Proceedings of the Board of Revenue, dated 27th May 1875, No. 1,441.

Read the following letter from A. McC. WEBSTER, Esq., Acting Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Kudremook, 17th May 1875, No. 885:—

Telegram to Board, 19th March 1875, No. 523.
Board's Procs., 22nd March 1875, No. 698.
Telegram to Board, 20th March 1875.
To Board, 20th March 1875, No. 535.
Board's Procs., 2nd April 1875, No. 800.
G. O., 16th April 1875, No. 607, R. D., in
Board's Procs., 30th April 1875, No. 3,622.

With reference to the correspondence noted in the margin, I have the honor to forward, for the information of the Board, a translation of the plaint filed against me by Talliankula Kristna Varma Mutarasu, the Rajah of Nileshtar.

2. This is, as the Board are aware, a fresh suit brought to have his proprietary right in the lands included in the plaint, and his right to raise optional produce thereon, declared.

3. The Government orders* on forest and forest rights in this district, having been passed subsequent to the filing of the suit, appeared to me to dispose of the question. On its receipt, I issued orders to the effect that all restrictions on the cultivation of Kumeri imposed since Mr. Fraser's time (1860) were removed, and that the cultivation of Kumeri should be carried on as formerly, with the sole exception that the assessment should be 1 Rupee per acre.

4. As the chief question between the Nileshtar Rajah and the Government had been thus settled in his favor, I asked him whether he wished to go on with the suit, and suggested that he should withdraw it. I enclose copies of correspondence that has passed between us on the subject.

To Talliankula Kristna Varma Mutarasu, 16th March 1875.
From do. 28th April 1875.
To do. 6th May 1875.
From do. 10th May 1875.

5. The Rajah, as will be seen from the correspondence, at first asked—

1st.—That Mr. Morris' order (on which the present suit is based) should be cancelled.

2nd.—That only the old Tarow Kumeri beriz should, in future, be levied. That is, that Government should cancel their order assessing Warg Kumeri at 1 Rupee per acre.

3rd.—That the Collector should file a Razeenamah in the Court acknowledging the plaintiff's right.

4th.—That the plaintiff should be paid Rupees 2,500 on account of costs in the former and present suits, and as compensation for loss of produce.

6. From my answer, the Board will perceive that, while informing the Rajah that I would recommend to Government that Mr. Morris' order should be cancelled, and that he should be paid the legal costs in the present suit, I told him that I could not accede to his proposals about the 1 Rupee assessment, the costs of the former suit, and the compensation for loss of produce, as preliminaries to his withdrawing his suit.

*Proceedings of the Madras Government, Revenue Department,
3rd June 1875.*

* Dated 10th May 1875.

7. In his reply* just received, the Rajah agrees to withdraw the suit on condition that Mr. Morris' order is cancelled, and that he be paid the legal costs in the present suit.

8. Although he has withdrawn his contention regarding the assessment, the costs of the former suit, and the compensation for loss of produce, I do think that with reference to the two latter items he deserves consideration. The former suit went through its regular appeal and special appeal stages, and was only eventually thrown out owing to an error in drawing it up, and not on the merits. The Government have now acknowledged the justice of the plaintiff's contention regarding proprietary right, and therefore also his right to raise optional produce on the land included in the plaint. He has also suffered loss by not being allowed to raise optional produce in a considerable portion of his jungles, and to his cultivation of Kurreri in other jungles having been restricted. He is not a rich man and has been put to very considerable expense in asserting his rights. I have therefore, therefore, to recommend that he be allowed the compensation he asks for in a lump sum of Rupees 2,500; an amount I do not consider unreasonable. If the Government are not disposed to grant this compensation, I beg strongly to recommend that at least he be allowed his legal costs in the former suit; but I trust, however, that the lump compensation will be sanctioned.

9. To summarize: my recommendation is—

1st.—That Mr. Morris' order of 4th August 1864 (translation of which is enclosed) be formally cancelled by Government.

2nd.—That the Government acknowledge the proprietary right of the Rajah to the jungles named in the plaint, and his right to raise optional produce therein, subject to payment of assessment.

3rd.—That he be allowed a lump sum of Rupees 2,500 as compensation for costs of the present and former suits and loss of produce.

If my third proposal is not accepted in its entirety, I beg to recommend that he be allowed his legal costs in the present and former suits.

10. The suit comes on for hearing after the re-opening of the Court on the 14th June 1875, and I beg, therefore, that the early orders of the Government may be communicated to me. If my proposals are approved, and I am informed by telegraph, I can at once take measures to carry them out.

11. The following are the dates of Board's Proceedings relating to the former suit:—

Board's Proceedings, dated 4th January 1867, No. 27.

Do. do. 6th June 1868, No. 4,226.

Do. do. 10th July 1868, No. 5,099.

Do. do. 21st August 1868, No. 6,040.

Government Order, dated 8th November 1869, No. 2,933, R. D.

Board's Proceedings, dated 18th March 1871, No. 1,204.

Government Order, dated 14th April 1871, No. 675, R. D.

Board's Mis. Proceedings, dated 15th April 1871, No. 1,261.

*Proceedings of the Madras Government, Revenue Department,
3rd June 1875.*

Board's Proceedings, dated 13th August 1872, No. 1,580.

Do. do. 15th February 1873, No. 217.

Do. do. 25th July 1873, No. 1,402.

Do. do. 29th August 1873, No. 1,713.

Do. do. 28th March 1874, No. 716.

ENCLOSURE No. 1.—Translation of Plaint.

ENCLOSURE No. 2.—Copy of Mr. Morris' order of 4th August 1864.

ENCLOSURES Nos. 3 to 6.—Copies of correspondence with Rajah.

SUBMITTED for the orders of Government.

2. The Board support the Collector's proposals, viz., that the order issued by Mr. Morris in 1864 be cancelled, that the plaintiff's proprietary right in the jungles in question be formally acknowledged, and that in consideration of the expense which he has been put to in asserting his rights and the losses which he has suffered, a lump sum of Rupees 2,500 should be paid to him.

3. The suit will come on for hearing on the 14th June, and the Board request that the orders of Government may be telegraphed direct to the Collector.

(A true Copy and Extract.)

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

No. 25. ORDER THEREON, 3rd June 1875, No. 868.

Forests, No. 2.

THE Government fully concur in the Board's views as to assenting to Mr. Webster's proposed terms of compromise.

2. The Collector will be authorized by telegram to arrange the matter accordingly.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

„ the Collector of South Canara.

„ the Accountant-General

Exd. W. H. French.

4885

South Canara Collectors
office, Mudremoot.
17 May 1875

From

A. Mc. Webster Esquire
Ag Collector of
South Canara
B. C. Stokes Esquire
Ag Secretary to the
Board of Revenue
Madras.

Sir,

With reference to the correspondence
Telegram to Board 19 March 1875, No 522.
Board's Proceedings 22 March 1875, No 698
Telegram to Board 20 March 1875
Board's Proceedings 27 April 1875, No 800
G.O. 16 April 1875, No 60. P.D. in Board's
Proceedings, 30 April 1875, No 3622.

of the Board a translation of the plaint filed
against me by Palliankula Krishna Varma
Mubarasu, the Rajah of Nileswaran.

2. This is, as the Board are aware, a
fresh suit brought to have his proprietary
right in the lands included in the plaint,
and his right to raise optional produce
thereon, declared.

* G.O. 23 October 1874, No 1361. P.D. 3. The Government orders on Forest rights
and Forest in

Govt. of 1875 MADRAS.

REVENUE.

THE BOARD OF REVENUE.

to, Secy, do.

Dated June, 3rd.

Recd.

Encl.

G.O., 3rd June 1875, No. 808.

JUNE
Nos. 24-25.

Kumari Suit filed by Nileswaran Rajah in South
Canara.—Consenting fully with the Board as to
assenting to Mr. Webster's proposed terms of
compromise in connection with the suit, and autho-
rizing the Collector by telegram to arrange the
matter accordingly.



in this District having been passed subsequent to the filing of the suit, appeared to me to dispose of the question. On its receipt, I issued orders to the effect that all restrictions on the cultivation of Kumeru imposed since Mr Fraser's time (1860) were removed and that the cultivation of Kumeru should be carried on as formerly, with the sole exception that the assessment should be 1 Rupee per Acre.

4. As the chief question between the Hilsikwar Rajah and the Government had been thus settled in his favor, I asked him whether he wished to go on with the suit and suggested that he should withdraw it. I enclose copies of correspondence that has passed between us on the subject.

5. The Rajah, as will be seen from the correspondence, at first asked.

To Lalimkata District
Warma Mubavara
16 March
From - Do - 22 April
To - Do - 6 May 7
From - Do - 10 May 1877

1st That Mr Morris' order (on which the present suit is based) should be cancelled.

2nd. That only the old Larn Coomery Berig should in future be levied. That is - that Government should cancel their order assessing Wurg Coomery at 1 Rupee per acre.

3rd. That the Collector should file a Razeramah in the Court acknowledging the Plaintiff's right.

4th That the Plaintiff should be paid Rupees 2500, on accounts of costs in the former and present suits and as compensation for loss of produce.

6. From my answer the Board will perceive, that while informing the Rajah that I would recommend to Government that Mr Morris' order should be cancelled and that he should be paid the legal costs in the present suit, I told him that I could not accede to his proposals about the 1 Rupee assessment, the costs of the former suit.

suit, and the compensation for loss of produce, as preliminaries to his withdrawing his suit.

7. In his reply just received the Rajah 9th May 1875 agrees to withdraw the suit on condition that Mr. Morris' order is cancelled, and that he be paid the legal costs in the present suit.

8. Although he has withdrawn his contention regarding the assessment, the costs of the former suit, and the compensation for loss of produce, I do think that with reference to the two latter items he deserves consideration.

The former suit went through its regular appeal and Special Appeal stages, and was only eventually thrown out owing to an error in drawing it up, and not on the merits. The Government have now acknowledged the justice of the Plaintiff's contention regarding proprietary right, and therefore

5/2008
therefore also his right to raise optional produce on the lands included in the Plaint. He has also suffered loss by not being allowed to raise optional produce in a considerable portion of his jungles on to the cultivation of Rumery in other jungles having been restricted. He is not a rich man, and has been put to very considerable expense in asserting his rights. I have the honor therefore to recommend that he be allowed the compensation he asks for in a lump sum of Rupees 2500 an amount I do not consider unreasonable. If the Government are not disposed to grant this compensation, I beg strongly to recommend that at least he be allowed his legal costs in the former suit, but I trust however that the lump compensation will be sanctioned.

9. To summarize - my recommendation is
1st That Mr. Morris' order of 4 August 1864

1864 (translation of which is enclosed) be formally cancelled by Government.

2nd That the Government acknowledge the proprietary right of the Rajah to the jungles named in the plaint and his right to raise optional produce therein subject to payment of assessment.

3rd That he be allowed a lump sum of Rupees 2500 as compensation for costs of the present and former suits and loss of produce.

If my 3rd proposal is not accepted in its entirety, I beg to recommend that he be allowed his legal costs in the present and former suits.

10. The suit comes on for hearing after the reopening of the Court on the 14 June 1875, and I beg therefore that the early orders of the Government may be communicated to me. If my proposals are approved, and

I am informed by telegraph, I can at once take measures to carry them out.

11. The following are the dates of Board's Proceedings relating to the former Suit.

Board's Proceedings 4 January 1867 No. 27.
Do 16 June 1868 No. 4226.
Do 10 July 1868 No. 5099.
Do 28th August 1868 No. 6040.
G. O. 8 November 1869 No. 2983. R.D.
Board's Proceedings 18 March 1871 No. 1264.
G. O. 14 April 1871 No. 675. R.D.
Board's Misc. Pro. 15 April 1871 No. 1261.
Board's Proceedings 13 August 1872 No. 1580.
Ditto 15 February 1873 No. 217.
Ditto 25 July 1873 No. 1402.
Ditto 29 August 1873 No. 1713.
Ditto 28 March 1874 No. 716.

X Not correct

I have &c

(Signed) A. McC. Webster
Collector.

(True Copy)

W. E. M.
Acting Secretary

Copy

Enclature in Dressing
of the Board of Revenue to
the Land Revenue Government
R. D. Dutt 27 May 1895

Rev 2053/25

Copy of Letter in letter

Dutt 27 May 1895

No 885

REVENUE DEPARTMENT.

No. 2053

7/868

From *W. of Rev.*

Dated *27 May*

1875.

FOR ORDERS.

*I am. The answer
should be telegraphed
direct to Collector*

*I think the Kishwar
Rajah is behaving
very handsomely in
the matter - but at the
same time to let the
Govt. & Mr. Cunningham.*

PR

31.5.75 JH

Indialy apu

*317 No 2 Telegram to the Collector
at once*

FOR ORDERS.

Henry Smith
in S. C. 1857

2057

Proceedings of the Board of Revenue
dated 27th May 1875

Read letter from the Acting
Collector of South Canara, dated
17th May 1875, No. 885 Submitting
for information of the Board
translation of the plaint in the
Kumeri suit filed by the Ni-
leshwar Raja, together with copies
of certain correspondence between
him and the Raja and making
certain proposals.

Submitted for the orders
of Government.

2 The Board support the
Collector's proposals, viz. that the
order issued by Mr. Morris in
1864 be cancelled, that the plain-
tiff's proprietary right in the
jungles in question be formally
acknowledged.

acknowledged, and that in con-
sideration of the expense which
he has been put to in asserting
his rights and the losses which
he has suffered a lump sum
of Rupees 2500 should be paid
to him.

3 The suit will come on for
hearing on the 14th June and
the Board request that the
orders of Government may be
telegraphed direct to the Col-
lector.

1 True extract

H. Urmson

As Secretary

To
The Secretary to Government
Revenue Department
with six enclosures to be
returned & copy of
Collector's letter.

L. M. M. M.
M. M. M. M.

