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MADRAS RECORD OFFICE**GOVERNMENT OF MADRAS**Revenue DEPARTMENTG.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 Nileshwar.

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 Nileshwar 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 Razeenamali 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 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, 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, 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 11th 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 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.

South Canara Collectors
 office, Mudremooke
 17th May 1875

No 885
 From A. McE. 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
 noted in the margin, I
 have the honor to for-
 ward for the information
 of the Board a translation of the plaint filed
 against me by Valliankulam Krishna Varma
 Mubarasu, the Rajah of Nileswar.

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 in
 thereon, declared.

* L.O. 23rd October
 1874 No 1861. N.D. 3. The Government orders on Forest rights
 and Forest
 in

GOVT. OF 1875 MADRAS.

REVENUE.

THE BOARD OF REVENUE.

to, &c, &c.

And also to

and

and

G.O. and June 1875, No 633

JUNE.
 No 21-25.

Known & of filed by Mr. Webster, Rajah in South
 Canara—Concerning fully with the Board as to
 existing to Mr. Webster's proposed terms of
 settlement in connection with the, and autho-
 rized the Collector by telegraphic message 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 Nileschwar 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 enclosed 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 Lalimulala Dista
Warma Kutavass
16 March
From - Do - 28 April
To - Do - 6 May
From - Do - 10 May 1871

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

2nd That only the old Law Comery Beru should in future be levied. That is - that Government should cancel their order assessing Wang Comery at 1 Rupee per acre.

3rd That the Collector should file a Payeramah 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 of 10 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 Rairbiff's contention regarding his right, and therefore

5/5/88
therefore also his right to raise optional produce on the lands included in the Rairbiff. 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 so rich a 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 (transmission of which is enclosed) be formally cancelled by Government.

2nd That the Government acknowledge the proprietary right of the Rajah to the jungle 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 4th January 1867 No. 227.
Do 16th June 1868 No. 4226.
Do 10th July 1868 No. 5099.
Do 2nd August 1868 No. 6040.
G. O. 8th November 1869 No. 2933. R.D.
Board's Proceedings 18th March 1871 No. 1204.
G. O. 14th April 1871 No. 675. R.D.
Board's Misc. Pro. 15th April 1871 No. 1261.
Board's Proceedings 13th August 1872 No. 1580.
Ditto 15th February 1873 No. 217.
Ditto 25th July 1873 No. 1402.
Ditto 29th August 1873 No. 1713.
Ditto 28th March 1874 No. 716.

I have &c

(Signed) A. McC. Webster
Collector.

1 True Copy

W. E. Brown
Acting Secretary

Copy

Enrollment Records
of the Board of Revenue to
the Secretary Government
R. D. Smith May 1890

Rev. 2053/125

Copy of Collection

with by May 1895

No. 885

REVENUE DEPARTMENT.

No. 2053

368

From *Secy of Rev.*

Dated *27 May*

1875.

FOR ORDERS.

*I think the Milesdon
Agent is behaving
very handsomely in
the matter - W. at once
direct to Collector
enquire to what the
cost of the expenses.*

PR

31.5.75

JA

Indirectly apud

317 No 12 Suburban St. N. 10/10

W. 10/10

FOR ORDERS.

Wm. Smith
1850

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. H. H. H.

Secretary

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

[Signature]
Munja Sen

Recd: 1875: 246
 1875: 246
 No: of the Board
 of Revenue

dated 2) 1875
 2) 1875
 3) 1875
 7. 1875

With the Board

Ch 868: 3 June 1875

Submitting for orders
 of Board with remarks
 letter from C. A. S.
 Comma Subj. 1875
 from of 1875 in
 same suit filed
 by Subordinate Payee
 together with copies
 of same for reference

No 868

The first bill comes in
 the Board's name as
 appearing & his letter
 in which comes & confirms
 the letter in the
 authority of 1875
 among the matter
 according to
 1875
 3rd June 1875

In Copy No 868 of Board's Dec 13th June 14th Board 2075
 do to the collector of the Board do
 of the Board's 1875 June

31 Aug 1875 1875 3 June 1875