(1) Number of pages 12

(2) Date of report

(3) Name of the Reporter

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

# MADRAS RECORD OFFICE.

## Government of Madras.

R (Jud) 10-4-34-C

DEPARTMENT.

G.O. No. 753 Judl.

Dated 2-7-34

Not to be folded or closely headed

No. 204. Read the following Proceedings of the Board of Revenue, dated 4th September 1876, No. 2,265 :—

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Tellicherry, 5th August 1876, No. 206.

With reference to my letter, No. 60, dated 8th March 1876, and the Board's Orders thereon, No. 827, dated 24th idem, I have the honor to enclose, for the Board's information, copies of a letter from the Collector of Coimbatore, and of its enclosure, regarding the shooting by Surgeon Tobin from Bangalore of two elephants, a male and a female, in the tract of forest in dispute between this district and Cochin.

2. Surgeon Tobin would, if the disputed tract had been decided to belong to Malabar, be liable to a criminal prosecution for shooting the female elephant, and possibly (inasmuch as the forest, though a private one, is at present under Government management) for shooting the male elephant also; but as in the present unsettled state of the question a conviction could not be obtained, I do not propose to take any steps in the matter.

3. I observe that a meeting will take place shortly to decide on the trijunction point of Coimbatore, Travancore, and Cochin, and I would again suggest that, if time permits, the opportunity should not be lost for deciding at the same time this disputed boundary question between Malabar and Cochin. As Mr. Douglas truly observes, if the tract in question is treated for any length of time as a no-man's land, there will soon be nothing left to fight about.

4. Meanwhile, it would perhaps be as well if all officers of Government were forbidden to shoot elephants in the disputed tract.

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Enclosure No. 1.

From A. WEDDERBURN, Esq., Collector of Coimbatore, to W. LOGAN, Esq., Collector of Malabar, dated Pollachy, 25th July 1876, No. 344.

I have the honor to forward, in original, letter No. 110 of the 20th July from Mr. Douglas, Deputy Conservator of Forests, for disposal.

2. Government decline to give permission to shoot elephants in this district.

3. It appears that Surgeon Tobin, when on leave from Bangalore, shot a male and a female elephant in a tract, the ownership of which is in dispute between your district and Cochin. I believe that he had permission from the Cochin Government and from the Nambari of Collegode. The latter cannot under Act I of 1873 give permission to shoot a female elephant, and it is not likely that the Cochin Government would do so. On these considerations, I transfer to you Mr. Douglas' letter. The Coimbatore authorities are not concerned in the matter.

(True Copy.) (Signed) W. LOGAN,
Collector.

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Enclosure 1 in No. 1.

From C. G. DOUGLAS, Esq., Deputy Conservator of Forests, South Coimbatore Division, to the Head Assistant Magistrate, Coimbatore, dated Tekkady, 20th July 1876, No. 110.

Adverting to your letter of the 10th, No. 80, I have the honor to state that in order to be able to furnish reliable information regarding the elephants reported to have been shot by Dr. Tobin, I proceeded on the 18th to search for the carcases, and found the remains of both Tusker and Cow, about fifteen miles south of this place in the south-western extremity of the tract

of forest, which, according to the map, is bounded on the east by Coimbatore, on the north by Malabar, and on the west and south by the Nellumpuddy and Pualicaduvoo Rivers, respectively. The carcasses may be said to be within the spit of land formed by the junction of these streams.

2. Thus it will be seen that the map assigns the forest to Cochin; it is in fact a portion of the land long in dispute between Coimbatore, Malabar, and Cochin, concerning which orders were recently passed by Government, in confirmation of a previous decision of long standing waiving all claims on behalf of Coimbatore.

3. In reply to an official letter, Dr. Tobin informed me that both elephants were shot in Malabar, in the forests belonging to the Numbour Collengode. In making this statement, he, having I believe no previous acquaintance with the locality, was probably relying on the information of the kaders who accompanied him, and who showed me the places where the elephants were shot. This information was given in perfectly good faith, as the Numbour is the Malabar claimant whose subjects, to some extent, these kaders consider themselves. Coimbatore men would have asserted their rights with equal confidence.

4. I believe Dr. Tobin had permission from the Numbour to shoot in his forests, but I do not know whether that permission included elephants or specified the limits within which the Numbour possesses undisputed control.

5. I am also informed that Dr. Tobin held a permit to shoot from the Cochin Rajah, but I do not suppose it included the killing of female elephants, and, moreover, for the reasons given below, I am under the impression that such permits, as either of the above, are not at present available in the locality where the elephants were killed.

6. Some two or three years ago I recollect that on the eve of an inquiry as to the merits of various claims to teak trees, an attempt was made by the Cochin Forest Department to remove certain teak logs some years previously. I objected to the proceeding in the absence of a demarcated boundary line and detained the timber, which is still in my custody, at the request of the Collector of Malabar, and at his suggestion, the rival claimants were advised to refrain from the exercise of all rights of proprietorship pending a settlement of the dispute, a course which, so far as I know, has been until now adhered to, and which is obviously to the interest of both parties to insist on.

7. The most valuable products of the land under notice are timber, cardamoms, &c., and elephants; it is hard to say how long the dispute may last and, if meanwhile the forests are treated as a sort of no-man's land, there will soon be nothing left to fight about.

8. In forests, such as these, the right to kill or catch elephants is one of the most important pertaining to proprietorship, and is as much a right as that affecting timber.

9. I do not know the circumstances under which Dr. Tobin felt compelled to shoot the cow elephant; the kaders give no very clear explanation, but unless she was most unusually savage for an unprovoked animal, I could see nothing in the nature of the jungle to render such a proceeding necessary; there is even now, after many days of rain, hardly any undergrowth, while the forest is fairly open, bamboo and timber.

10. As regards the ivory, it would effectually put a stop to further encroachments if it were treated as rather would be under similar circumstances, viz., detained until the termination of the dispute when the rightful owner can keep it or hand it over to Dr. Tobin.

11. I certainly do not think Dr. Tobin can be blamed for shooting where he did, nor can the man who showed him the game; but those who issued the permits, if permits were issued, were doing wrong.

(True Copy.)

(Signed) W. LOGAN,
Collector.

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(Memorandum for the orders of Government.

2. It is very desirable that the boundary between Malabar and Cochin should be definitely settled, and the Board support the Collector's proposal that an endeavour



should be made to accomplish this as soon as the boundary between Coimbatore and Travancore and Cochin has been fixed and demarcated,—*vide* G.O., dated 30th May 1876, No. 708. Colonel Priestley recently informed the Board that a Survey detachment could not be spared for the purpose, his object being to complete the definition of the boundary of the Coimbatore District with as little delay as possible with a view to the early preparation of the district map.—*vide* Board's Proceedings, da 15th May 1875, No. 1,160, 24th March 1876. No. 827, and 12th April 1876, No. 1,019; but the Board think that an effort should be made to settle the boundary of this disputed tract at least, if possible after the Coimbatore line is settled.

3. The Board do not see how the shooting of elephants within the tract in question can well be forbidden, as it would be difficult to define the locality, and it may eventually be assigned to Cochin.

(True Copies and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

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No. 205. ORDER THEREON, 20th September 1876, No. 1,305.

Miscellaneous.

THE Board's proposal in paragraph 2 is approved.

2. As to the proposed restriction on the shooting of elephants in the disputed tract, the Government resolve to refer the matter to the Resident in Travancore and Cochin for report.

(True Extract.)

(Signed) D. F. CARMICHAEL,
*Secretary to Government.*

To the Board of Revenue.
" the Resident in Travancore and Cochin.

Encl. 1 to Gentleman.

No. 2,265.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 4th September 1876.

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Tellicherry, 5th August 1876, No. 206 :—

WITH reference to my letter, No. 60, dated 8th March 1876, and the Board's Orders thereon, No. 827, dated 24th idem, I have the honor to enclose, for the Board's information, copies of a letter from the Collector of Coimbatore, and of its enclosure, regarding the shooting by Surgeon Tobin from Bangalore of two elephants, a male and a female, in the tract of forest in dispute between this district and Cochin.

2. Surgeon Tobin would, if the disputed tract had been decided to belong to Malabar, be liable to a criminal prosecution for shooting the female elephant, and possibly (inasmuch as the forest, though a private one, is at present under Government management) for shooting the male elephant also; but as in the present unsettled state of the question a conviction could not be obtained, I do not propose to take any steps in the matter.

3. I observe that a meeting will take place shortly to decide on the trijunction point of Coimbatore, Travancore and Cochin, and I would again suggest that, if time permits, the opportunity should not be lost for deciding at the same time this disputed boundary question between Malabar and Cochin. As Mr. Douglas truly observes, if the tract in question is treated for any length of time as a no-man's land, there will soon be nothing left to fight about.

4. Meanwhile, it would perhaps be as well if all officers of Government were forbidden to shoot elephants in the disputed tract.

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ENCLOSURE No. 1.

From A. WEDDERBURN, Esq., Collector of Coimbatore, to W. LOGAN, Esq., Collector of Malabar, dated Pollachy, 28th July 1876, No. 244.

I HAVE the honor to forward, in original, letter No. 110 of the 20th July, from Mr. Douglas, Deputy Conservator of Forests, for disposal.

2. Government decline to give permission to shoot elephants in this district.

3. It appears that Surgeon Tobin, when on leave from Bangalore, shot a male and a female elephant in a tract, the ownership of which is in dispute between your district and Cochin. I believe that he had permission from the Cochin Government and from the Namburi of Collengode. The latter cannot under Act I. of 1873 give permission to shoot a female elephant, and it is not likely that the Cochin Government would do so. On these considerations, I transfer to you Mr. Douglas' letter. The Coimbatore authorities are not concerned in the matter.

(True Copy.) (Signed) W. LOGAN,
Collector.

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ENCLOSURE 1 in No. 1.

From O. G. DOUGLAS, Esq., Deputy Conservator of Forests, South Coimbatore Division, to the Head Assistant Magistrate, Coimbatore, dated Pakaly, 20th July 1876, No. 110.

ADVERTING to your letter of the 10th, No. 80, I have the honor to state that in order to be able to furnish reliable information regarding the elephants reported to have been shot by Dr. Tobin, I proceeded on the 18th to search for the carcasses, and found the remains of both Tusker and Cow, about fifteen miles south of this place in the south-western extremity of the tract

of forest, which, according to the map, is bounded on the east by Coimbatore, on the north by Malabar, and on the west and south by the Nellampaddy and Paalacadavoo Rivers, respectively. The cardamoms may be said to be within the spit of land formed by the junction of these streams.

2. Thus it will be seen that the map assigns the forest to Cochin; it is in fact a portion of the tract long in dispute between Coimbatore, Malabar, and Cochin, concerning which orders were recently passed by Government, in confirmation of a previous decision of long standing waiving all claims on behalf of Coimbatore.

3. In reply to an official letter, Dr. Tobin informed me that both elephants were shot in Malabar, in the forests belonging to the Namburi Collengode. In making this statement, he, having I believe no previous acquaintance with the locality, was probably relying on the information of the kaders who accompanied him, and who showed me the places where the elephants were shot. This information was given in perfectly good faith, as the Namburi is the Malabar claimant whose subjects, to some extent, these kaders consider themselves. Coimbatore men would have asserted their rights with equal confidence.

4. I believe Dr. Tobin had permission from the Namburi to shoot in his forests, but I do not know whether that permission included elephants or specified the limits within which the Namburi possesses undisputed control.

5. I am also informed that Dr. Tobin held a permit to shoot from the Cochin Rajah, but I do not suppose it included the killing of female elephants, and, moreover, for the reasons given below, I am under the impression that such permits, as either of the above, are not at present applicable to the locality where the elephants were killed.

6. Some two or three years ago, I recollect that on the eve of an inquiry as to the merits of various claims to this tract, an attempt was made by the Cochin Forest Department to remove cut-up teak logs out many years previously. I objected to the proceeding in the absence of a demarcated boundary line and detained the timber, which is still in my custody; at the request of the Collector of Malabar, and at his suggestion, the rival claimants were advised to refrain from the exercise of all rights of proprietorship pending a settlement of the dispute, a course which, so far as I know, has been until now adhered to, and which it is obviously to the interest of both parties to insist on.

7. The most valuable products of the tract under notice are timber, cardamoms, &c., and elephants; it is hard to say how long the dispute may last and, if meanwhile the forests are treated as a sort of no-man's land, there will soon be nothing left to fight about.

8. In forests, such as these, the right to kill or catch elephants is one of the most important pertaining to proprietorship, and is as much a right as that affecting timber.

9. I do not know the circumstances under which Dr. Tobin felt compelled to shoot the cow elephant, the kaders give no very clear explanation, but unless she was most unusually savage for an unmolested animal, I could see nothing in the nature of the jungle to render such a proceeding necessary; there is, even now, after many days of rain, hardly any undergrowth, while the forest is fairly open, bamboo and timber.

10. As regards the ivory, it would effectually put a stop to further encroachments if it were treated as timber would be under similar circumstances, viz., detained until the termination of the dispute when the rightful owner can keep it or hand it over to Dr. Tobin.

11. I certainly do not think Dr. Tobin can be blamed for shooting where he did, nor can the men who showed him the game; but those who issued the permits, if permits were issued, were doing wrong.

(True Copy.)

(Signed) W. LOGAN,
Collector.

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Submitted for the orders of Government.

2. It is very desirable that the boundary between Malabar and Cochin should be definitely settled, and the Board support the Collector's proposal that an endeavor should be made to accomplish this as soon as the boundary between Coimbatore and Travancore and Cochin has been fixed and demarcated,—*vide* G.O., dated 30th May 1876, No. 708. Colonel Priestley recently informed the Board that a Survey detachment could not be spared for the purpose, his object being to complete the definition of the boundary of the Coimbatore District with as little delay as possible with a view to the early preparation of the district map,—*vide* Board's Proceedings, dated 5th May 1875, No. 1,160, 24th March 1876, No. 827, and 12th April 1876, No. 1,019; but the Board think that an effort should be made to settle the boundary of this disputed tract at least, if possible after the Coimbatore line is settled.

3. The Board do not see how the shooting of elephants within the tract in question can well be forbidden, as it would be difficult to define the locality and it may eventually be assigned to Cochin.

(True Copies and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department, with copy of Board's Proceedings, dated 24th March 1876, No. 827.

Copy to the Collector of Malabar.
" " of Coimbatore.
" Conservator of Forests.
" Resident of Travancore and Cochin.

Extd. W. H. French.

Ad. H. 3815
Ad. 1876-84
1876.

Board of Revenue,

MADRAS.

Proceedings, 4th September 1876, No. 2,265.

Read 13 Sept 76.

Sent to the Press

Received 18 Sept 76.

SEPTEMBER.

No. 2,265.

*Boundary* — between Malabar and Cochin — Submitting to Government with Board's support Collector's proposal that an effort should be made to settle the — as soon as the boundary between Coimbatore, Travancore and Cochin has been fixed and demarcated, and stating that the shooting of elephants within the tract in question cannot be forbidden for certain reasons.