M.R.O. 1—20,002—12-8-65.

(1) Number of Pages 40

(2) Date of repair 3. 3. 1969

(3) Initials of the Referencer 15.4.69

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 892 Press

~~B.P. No.~~ ~~Mis.~~

Dated 3-7-1876 ~~196~~.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
3rd July 1876.

Read the following papers :—

No. 19. Proceedings of the Board of Revenue, dated 30th May 1876, No. 1,419, Forest No. 51.

Read the following letter from J. G. HORSFALL, Esq., Acting Collector of South Canara, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 18th April 1876, No. 856.

I HAVE the honor to submit through the Board, for such orders as Government may be pleased to pass, the question of the Parappa jungle. I do so in preference to passing any orders thereon myself on account of its importance as typical of a large class of cases which will have to be determined hereafter in accordance with the orders that may be passed in this case, and because of its special importance to Government on account of the teak plantations that have been established here by the Forest Department and of the teak conservancy which has uninterruptedly been carried on here since the year 1861.

2. Kristna Putturaya, who purchased for 500 Hoons in 1854 from the then wargdars a considerable portion of Muli Warg No. 1, Mayiala Village, Adur Magani, claims to have obtained by virtue of such purchase all the jungles lying around and about the several plots of cultivated land, that is, at a rough calculation some 12,000 acres of jungle including the young teak plantations and the tracts hitherto conserved by the Forest Department. He claims also to be exempt from any further assessment, whether new land is brought under cultivation (Hossagame) or for Kumeri or for dry cultivation.

3. Muli Warg No. 1 is shown in the Durmuti Chitta of 1801-02 as follows :—

Byle	17·20
Majal	24·20
Bett	30·0
Garden—	
Cocoanut trees	219·
Areca trees	366·

But by the survey made in Fasli 1266 the following results were obtained :—

Byle	24·20
Majal	77·5
Bett	17·30
Garden—	
Cocoanut trees	664·
Areca trees	999·
Palmyra trees	3·
Pepper vines	372·

and the assessment thereon was Rupees 145-6-0, made up as follows :—

Shist.			Shamil.			Total.		
RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
52	9	7	92	12	5	145	6	0

The present assessment is Rupees 149-6-9, which includes an item of Rupees 4-0-9 imposed in Fasli 1263 for Hossagame, and the portion of assessment charged against Kristna Putturaya is Rupees 137-6-0, the remainder being still in the name of Subbamma, the original wargdar. The assessment has, therefore, with the slight exception of the addition made for Hossagame in Fasli 1263, continued unaltered, but Kumeri and dry cultivation have always been separately charged, the usual practice being to levy the assessment for these from the actual cultivators and not from the wargdars.

4. The entry in the Durmati Chitta shows only the totals of the cultivated lands which are scattered here and there throughout a large tract of hill and jungle, but does not include the hills and jungles. Kristna Putturaya, however, lays claim to all the jungles intervening between and surrounding the several plots of land on the ground that they form part of Muli Warg No. 1. In his sale-deed no mention whatever is made of boundaries, though in the language of the deed he is to enjoy, so long as the sun and moon shall last, the jungle and margin lands and grazing grounds, the weeds nechi and tumbe, water, stone-built tanks, sunken wells, treasure trove, &c., lying in the aforesaid estate, and the villagers have given a joint statement to the effect that the wargdars have always enjoyed the use of the jungles up to the top of a high hill on the north, a stream on the east, the river on the south, and a low hill on the west for the purposes of grazing and agriculture. These boundaries include a tract extending nearly four miles in length and two in breadth.

5. I do not attach much importance however to this joint report, because it is made by persons who probably have similar interests at stake, and because it is undoubtedly not strictly true, for the right of the wargdar to the use of these jungles has at any rate been restricted since 1861 when the Forest Department commenced operations here, if not since 1823, the date of Mr. Harris' order and the 100 yards limit. Moreover, all that is contended for in this report is the right of pasturage and of taking leaves and wood for agricultural purposes and not the proprietary right now set up by Kristna Putturaya.

6. That an easement only in jungles was formerly enjoyed is, I think, clear from the report made by the Potails and Shanbhog in 1823 in replying to Mr. Harris' order. A translation of this report is given in paragraph 13 of the memorandum appended to Mr. Webster's letter to the Board, dated 21st September 1875, No. 1,816; it is to the following effect: "In this magani there are no Sirkar jungles, but only males (forests) attached to the cultivation in our respective estates. In this magani we get leaves and wood from males owned by us for the aid of cultivation of estates, and there is no Sirkar jungle land here." Mr. Webster, I am aware, considered that this was tantamount to asserting that the jungles in question were their own private property, but it seems to me that the terms "we get leaves and wood" "for the aid of cultivation" of estates limit and define the right therein claimed as an easement; and that they did not then at all, and do not now even as a general rule, claim any thing more than an easement. The distinction, I submit, is a very important one.

7. The Government having resolved to accept the statement made by Sir T. Munro that "the only land in Canara that can in any way come under the description of Sirkar land is unclaimed waste," it is, I think, of primary importance to determine what Sir T. Munro intended by the term "land." Now, if this statement is read in conjunction with the instructions given to his Assistant, dated the 9th December 1800, and quoted in paragraph 62 of Sir William Robinson's Minute, it would seem that Sir T. Munro did not include such jungle lands as are the subject of the present reference. For, whilst insisting throughout upon the

right of private property in Canara, Sir T. Munro directs that extra rent is to be charged upon such waste land as may have been brought into cultivation. Had Sir T. Munro intended that the right of private property of the wargdar extended to the jungle lands adjoining and surrounding the warg, he would not, I think, have directed the levy of rent upon any additional portion brought under cultivation. The whole passage as given in the paragraph above quoted is "as so great a part of the land in Canara is private property held at a fixed rent your settlement in future will require little labor, because nothing is to be done except to add to the Jumma of the preceding year, the extra rent of a few estates which may be held at an under rate and the rent of such waste land as may have been brought under cultivation," and "It may be observed that an increased occupation of waste land upon estates is unquestionably taking place in a smaller degree throughout the district. But this increase has principally gone on during the early possession of the country, for very little extra cultivation appears now in our annual settlements."

8. It is a noteworthy fact that Kristna Putturaya never made any complaint regarding the occupation of these jungles by the Forest Department, and that in 1866, when Subbamma, the original wargdar, gave a statement before the Tahsildar, she particularly complained that the 100 yards limit did not give her sufficient leaves and firewood owing to the wood within this limit being chiefly bamboo which is not serviceable for these purposes. I believe the 100 yards limit, however, gives an average of at least 6 acres to each acre of cultivated land, and that where the cultivated land, as is often the case in this district, consists of narrow patches, the preponderance of Kumaki is much greater.

9. The boundaries now pointed out by Kristna Putturaya include much more than the immediate nettikattu (water-shed) of the cultivated lands, for I presume that the summit of the nearest hill must be taken as the nettikattu of each cultivated plot, and not the higher hill range beyond, but even this restricted nettikattu includes nearly all the teak hitherto conserved.

10. I have to request, therefore, that Government will be pleased to declare whether Kristna Putturaya is to be allowed the whole extent claimed by him, or the extent which strictly speaking is comprised within the water-shed of the cultivated portions, or, in short, what extent in addition to his cultivated land.

11. Mr. Cherry, the Deputy Conservator of Forests, tells me that the total expenditure by the Forest Department up to date will amount to about 15,000 Rupees, and I request also to be informed what is to be done regarding this sum should Government decide upon giving up the entire jungle, or even so much as embraces these plantations to Putturaya. This individual when directly questioned on the subject by me seemed unwilling to come to any terms about letting these jungles on lease to Government.

12. Moreover, Kristna Putturaya distinctly asserts that Government have no concern whatever and have no right to levy additional assessment upon these lands under whatever pretext, and I would wish to be distinctly informed what are the views of Government upon this point. The question has arisen, and must be decided before the survey and settlement of the district are carried out. The present applications are, I conceive, made under the impression that Government have

abandoned all idea of making any alteration in the present assessment, and few claims for these jungle lands would be put forward if it were generally known that they were to be assessed at so much per acre, ascertained upon survey. In this is involved also the question whether, as hitherto has been the practice, Hossagame, Kumeri and dry cultivation are to be charged in such wargs.

13. The papers relating to this warg including the statement given before me by Kristna Putturaya, translations of the sale-deed and of a decree obtained by him, of Subbamma's statement before the Tahsildar and the orders passed thereon and of the village report as well as a plan,* are forwarded for reference.

* To be returned.

14. In conclusion, I fear that I may be laying myself open to the charge of re-raising a question that has been finally determined, but I feel bound holding the views that I do, and, seeing the magnitude of the interests to Government involved in the question, to bring the matter once more before Government.

ENCLOSURES Nos. 1 to 7.—Translations of documents, &c.

ENCLOSURE No. 8.—Plan.

SUBMITTED for the orders of Government with reference to G.Os., dated 23rd October 1874, No. 1,361, and 5th April 1876, No. 479.

2. The effect of the orders of Government regarding the rights of landholders in forests in South Canara, upon the case of the Parappa teak jungles, was brought to notice in Mr. Webster's letter of the 13th November 1874, No. 2,423, disposed of in G.O., dated 20th February 1875, No. 271, but, as Mr. Horsfall considers that the nature of the claim preferred should be again prominently brought before Government, his letter will be submitted for orders.

3. Mr. Webster should endeavour to obtain a lease of the Parappa Forests and report in due course the result of his negotiations.

(A true Copy and Extract.)

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

No. 20. * * *

No. 21. ORDER THEREON, 3rd July 1876, No. 892.

Forests, No. 3.

THE Government decline to re-open the matter treated in the Collector's letter, and direct him to proceed with his settlement. As regards the assessment of extended cultivation, there can be no doubt of the right to add the assessment of all extensions to the "fixed rent" of the early settlement due on the estate. Unless special circumstances exist, the Government would not press against individuals, singled out, a measure which cannot be generally adopted until the survey is undertaken.

892/3

2. The lease of the forests should, by all means, be negotiated, especially of that portion in which the Forest Department planted teak, and the Government entertain hopes that Mr. Webster will be able to effect this measure.

(True Extract.)

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

To the Board of Revenue.
,, the Conservator of Forests.
,, the Acting Collector of South Canara.

Exd. A. Grubert.

Govt. of 1876 Madras.

REVENUE.

To

The Board of Revenue,

&c., &c., &c.

Dated July, 3rd.

Recd.

Encl.

G.O., 3rd July 1876, No. 892.

JULY.

Nos. 19—21.

Parappa Jungle in the South Canara District.—Declining to re-open the matter of the — and directing the Collector to proceed with his settlement. Observing that the lease of the forests should be negotiated, especially of that portion in which the Forest Department planted teak.

892/4

FOREST No. 51.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 30th May 1876, No. 1,419.

Read the following letter from J. G. HORSFALL, Esq., Acting Collector of South Canara, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 18th April 1876, No. 856 :—

I HAVE the honor to submit through the Board, for such orders as Government may be pleased to pass, the question of the Parappa jungle. I do so in preference to passing any orders thereon myself on account of its importance as typical of a large class of cases which will have to be determined hereafter in accordance with the orders that may be passed in this case, and because of its special importance to Government on account of the teak plantations that have been established here by the Forest Department and of the teak conservancy which has uninterruptedly been carried on here since the year 1861.

2. Kristna Putturaya, who purchased for 500 Hoons in 1854 from the then wargdars a considerable portion of Muli Warg No. 1, Maiyala Village, Adur Magani, claims to have obtained by virtue of such purchase all the jungles lying around and about the several plots of cultivated land, that is, at a rough calculation some 12,000 acres of jungle including the young teak plantations and the tracts hitherto conserved by the Forest Department. He claims also to be exempt from any further assessment, whether new land is brought under cultivation (Hossagame) or for Kumeri or for dry cultivation.

3. Muli Warg No. 1 is shown in the Durmuti Chitta of 1801-02 as follows :—

Byle	17·20
Majal	24·20
Bett	30·0
Garden—	
Cocoanut trees	219·
Areca trees	366·

But by the survey made in Fasli 1266 the following results were obtained :—

Byle	24·20
Majal	77·5
Bett	17·30
Garden—	
Cocoanut trees	664·
Areca trees	999·
Palmyra trees...	3·
Pepper vines	372·

This improvemt. is only as brought [illegible] Cultivn & [illegible]

and the assessment thereon was Rupees 145-6-0, made up as follows :—

Shist.			Shamil.			Total.		
RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
52	9	7	92	12	5	145	6	0

The present assessment is Rupees 149-6-9, which includes an item of Rupees 4-0-9 imposed in Fasli 1263 for Hossagame, and the portion of assessment charged against Kristna Putturaya is Rupees 137-6-0, the remainder being still in the name of Subbamma, the original wargdar. The assessment has, therefore, with the slight exception of the addition made for Hossagame in Fasli 1263, continued unaltered, but Kumeri and dry cultivation have always been separately charged, the usual practice being to levy the assessment for these from the actual cultivators and not from the wargdars.

Hossagame = new Cultivation -

only refers to the assessed lands: See R.T.M.'s [illegible] [illegible] 1877

4. The entry in the Durmati Chitta shows only the totals of the cultivated lands which are scattered here and there throughout a large tract of hill and jungle, but does not include the hills and jungles. Kristna Putturaya, however, lays claim to all the jungles intervening between and surrounding the several plots of land on the ground that they form part of Muli Warg No. 1. In his sale-deed no mention whatever is made of boundaries, though in the language of the deed he is to enjoy, so long as the sun and moon shall last, the jungle and margin lands and grazing grounds, the weeds nechi and tumbe, water, stone-built tanks, sunken wells, treasure trove, &c., lying in the aforesaid estate, and the villagers have given a joint statement to the effect that the wargdars have always enjoyed the use of the jungles up to the top of a high hill on the north, a stream on the east, the river on the south, and a low hill on the west for the purposes of grazing and agriculture. These boundaries include a tract extending nearly four miles in length and two in breadth.

5. I do not attach much importance however to this joint report, because it is made by persons who probably have similar interests at stake, and because it is undoubtedly not strictly true, for the right of the wargdar to the use of these jungles has at any rate been restricted since 1861 when the Forest Department commenced operations here, if not since 1823, the date of Mr. Harris' order and the 100 yards limit. Moreover, all that is contended for in this report is the right of pasturage and of taking leaves and wood for agricultural purposes and not the proprietary right now set up by Kristna Putturaya.

6. That an easement only in jungles was formerly enjoyed is, I think, clear from the report made by the Potails and Shanbhog in 1823 in replying to Mr. Harris' order. A translation of this report is given in paragraph 13 of the memorandum appended to Mr. Webster's letter to the Board, dated 21st September 1875, No. 1,816; it is to the following effect: "In this magani there are no Sircar jungles, but only males (forests) attached to the cultivation in our respective estates. In this magani we get leaves and wood from males owned by us for the aid of cultivation of estates, and there is no Sirkar jungle land here." Mr. Webster, I am aware considered that this was tantamount to asserting that the jungles in question were, their own private property, but it seems to me that the terms "we get leaves and wood" "for the aid of cultivation" of estates limit and define the right therein claimed as an easement; and that they did not then at all, and do not now even as a general rule, claim any thing more than an easement. The distinction, I submit, is a very important one.

Proven [illegible]

7. The Government having resolved to accept the statement made by Sir T. Munro that "the only land in Canara that can in any way come under the description of Sirkar land is unclaimed waste," it is, I think, of primary importance to determine what Sir T. Munro intended by the term "land." Now, if this statement is read in conjunction with the instructions given to his Assistant, dated the 9th December 1800, and quoted in paragraph 62 of Sir William Robinson's Minute, it would seem that Sir T. Munro did not include such jungle lands as are the subject of the present reference. For, whilst insisting throughout upon the right of private property in Canara, Sir T. Munro directs that extra rent is to be charged upon such waste land as may have been brought into cultivation. Had Sir T. Munro intended that the right of private property of the wargdar extended to the jungle lands adjoining and surrounding the warg, he would not, I think, have directed the levy of rent upon any additional portion brought under cultivation. The whole passage as given in the paragraph above quoted is "as so great a part of the land in Canara is private property held at a fixed rent your settlement in future will require little labor, because nothing is to be done except to add to the Jumma of the preceding year, the extra rent of a few estates which may be held at an under rate and the rent of such waste land as may have been brought under cultivation," and "It may be observed that an increased occupation of waste land upon estates is unquestionably taking place in a smaller degree throughout the district. But this increase has principally gone on during the early possession of the country, for very little extra cultivation appears now in our annual settlements." not surveyed [illegible] tract

Cultivated, Hossagame is charged

All cultivated is assessed [illegible] [illegible] [illegible] of the [illegible]

8. It is a noteworthy fact that Kristna Putturaya never made any complaint regarding the occupation of these jungles by the Forest Department, and that in 1866, when Subbamma, the original wargdar, gave a statement before the Tahsildar, she particularly complained that the 100 yards limit did not give her sufficient leaves and firewood owing to the wood within this limit being chiefly bamboo which is not serviceable for these purposes. I believe the 100 yards limit, however, gives an average of at least 6 acres to each acre of cultivated land, and that where the cultivated land, as is often the case in this district, consists of narrow patches, the preponderance of Kumaki is much greater.

a few [illegible] [illegible] [illegible]

9. The boundaries now pointed out by Kristna Putturaya include much more than the immediate nettikattu (water-shed) of the cultivated lands, for I presume that the summit of the nearest hill must be taken as the nettikattu of each cultivated plot, and not the higher hill range beyond, but even this restricted nettikattu includes nearly all the teak hitherto conserved.

10. I have to request, therefore, that Government will be pleased to declare whether Kristna Putturaya is to be allowed the whole extent claimed by him, or the extent which strictly speaking is comprised within the water-shed of the cultivated portions, or, in short, what extent in addition to his cultivated land.

11. Mr. Cherry, the Deputy Conservator of Forests, tells me that the total expenditure by the Forest Department up to date will amount to about 15,000 Rupees, and I request also to be informed what is to be done regarding this sum should Government decide upon giving up the entire jungle, or even so much as embraces these plantations to Putturaya. This individual when directly questioned on the subject by me seemed unwilling to come to any terms about letting these jungles on lease to Government.

12. Moreover, Kristna Putturaya distinctly asserts that Government have no concern whatever and have no right to levy additional assessment upon these lands under whatever pretext, and I would wish to be distinctly informed what are the views of Government upon this point. The question has arisen, and must be decided before the survey and settlement of the district are carried out. The present applications are, I conceive, made under the impression that Government have abandoned all idea of making any alteration in the present assessment, and few claims for these jungle lands would be put forward if it were generally known that they were to be assessed at so much per acre, ascertained upon survey. In this is involved also the question whether, as hitherto has been the practice, Hossagame, Kumeri and dry cultivation are to be charged in such wargs.

Certainly

13. The papers relating to this warg including the statement given before me by Kristna Putturaya, translations of the sale-deed and of a decree obtained by him, of Subbamma's statement before the Tahsildar and the orders passed thereon and of the village report as well as a plan,* are forwarded for reference.

14. In conclusion, I fear that I may be laying myself open to the charge of re-raising a question that has been finally determined, but I feel bound holding the views that I do, and, seeing the magnitude of the interests to Government involved in the question, to bring the matter once more before Government.

ENCLOSURES Nos. 1 to 7.—Translations of documents, &c.

ENCLOSURE No. 8.—Plan.

SUBMITTED for the orders of Government with reference to G.Os., dated 23rd October 1874, No. 1,361, and 5th April 1876, No. 479.

2. The effect of the orders of Government regarding the rights of landholders in forests in South Canara, upon the case of the Parappa teak jungles, was brought to notice in Mr. Webster's letter of the 13th November 1874, No. 2,423, disposed of in G.O., dated 20th February 1875, No. 271, but, as Mr. Horsfall considers that the nature of the claim preferred should be again prominently brought before Government, his letter will be submitted for orders.

3. Mr. Webster should endeavour to obtain a lease of the Parappa Forests and report in due course the result of his negotiations.

(A true Copy and Extract.)

W. Walton

Acting Secretary.

To the Secretary to Government, Revenue Department,
with eight enclosures, to be returned.
,, the Acting Collector of South Canara.
Copy to the Conservator of Forests.

Exd. A. Grubert.

* To be returned.

R.C. 28 June R 15 July
C. 14 June/76 R 26 June

No. 2378
1876. Revenue Department
Board of Revenue,
MADRAS.

PROCEEDINGS, 30TH MAY 1876, No. 1,419.

30 May 1876.

Encl. 8

Oct. 892 5 July 1876

Received 14 June 1876

MAY.

Forest No. 51.

Parappa Jungle—in South Canara District.—Submitting to Government certain papers regarding claims to —, and requesting Collector to obtain a lease thereof and to report in due course result of his negotiations.

892/6

REVENUE DEPARTMENT,

MINUTE BY THE HON. SIR W. ROBINSON, K.C.S.I.

MR. McC. WEBSTER has already reported on this matter of the Parappa forests, &c., and Government have passed orders in respect to it. It is, therefore, to be regretted that Mr. Horsfall, during a short acting incumbency in a district of which he can know very little,—he has never been out of an East Coast District (Godavery, &c.),—should have taken upon himself to re-open a matter already decided on.

2. The case must be left to the Collector who has returned to his duty, and is settling these things with great care and ability. The Board make no recommendation, except that the lease of the forest should be negotiated; more especially I would add of that portion of the land on which the Forest Department have planted Teak without any title thereto. No other order is required.

3. The estate or Zamindari,—entered in the district Land Register (Wurg) as No. 1,—is evidently a large forest estate or Zamindari, of which the suitable flats or bottoms and their slopes are cultivated with rice and laid out in gardens, which are assessed as they stood when the "fixed rent" of Sir Thomas Munro's settlement of 1800 was ascertained and accepted. Improvement, both by extension of rice-land and conversion of *Bett* into *Mazil* and *Bail*, and further planting of gardens, has gone on here as shown by a pymaish measurement made 1866. This extension (but probably not the conversions) is assessable as *Hossagami* under the ancient rules of the country. It is only a question whether single estates should be picked out here and there for this operation in anticipation of survey; and Government has decided not to do so.

4. I may observe that Mr. Horsfall does not apparently understand the Durmatty Chitta (Register of assessed land made in Fasli 1201 [1811]). The Durmatty Chittas of Canara land-revenue are alluded to in paragraph 112 of my Minute (*vide* Board's Proceedings, dated 12th March 1871). They are simply registers of measurement, &c., of assessed rice-land, &c.,—within the estate or Zamindari,—and have nothing to do with the boundaries or area of the estate and its unassessed waste and forest. The scattered position of the assessed rice flats shows the extent of this Estate, and no intervening property is claimed by other than the owner of the farms scattered here and there throughout its extended area. Where the forests of the estate are cultivated, *Kumeri* assessment is charged.

5. The sale-deed is in the form usual in the district, and few of the title-deeds of old described forest and estate boundaries.

6. The joint report of adjacent proprietory (paragraphs 4 and 5) is the acknowledgment of the individual exercise of the ordinary property rights of Canara. It is conclusive as to the fact that the Teak plantations have been entirely formed on the Zamindar's land,—an inconvenient fact, which does not, however, justify the trespass, or make the need of reparation the less cogent. The Board suggest, and the Government have already ordered the only solution consistent with the equity of the case,—the lease of the land.

7. *Paragraph* 6. The report of 1823 is, I think, mistranslated and misused. The report distinctly states that there are no State forests or jungles in the *magany* (district) in question, but only the *male* (mountains) connected with the private estates and owned by the proprietory of the district. There is no hint of an easement here, but assertion of the fullest right. As to the full proprietory title to the whole area of Canara Estates, Sir Thomas Munro dealt with this matter in 1800 and the House of Commons in 1812; and both recognised the ancient proprietory conditions of property in the country as more complete than the titles of England. He likewise recognised the ancient law of the country, *viz.*, that the State has a right to a share of all crops wherever grown, whether rice, garden, or woodland (Kumery); and directed that such *Hossagami* (new cultivation) should be added to the ancient fixed demand of Estates, which he had ascert ainedand constituted as the "fixed rent" or peishcush of the cultivated area of the unsettled (as compared with the Cornwallis settlement) Zamindaris or estates of the District. Mr. Horsfall is mixing up, in his inexperience, two wholly different things, which Sir Thomas Munro,—and all his successors until the annexation

N.B.—I think the attempt to apply the words about Kumaki to cultivation, in the face of assertion of the fullest right often repeated before, is scarcely right.

G.O. 7 July /76 No. 892

policy was started twenty years ago by the Ryotwari Collectors, who then came into the district,—knew how to keep entirely distinct.

8. I attach little weight to, and would not take advantage (paragraph 8) of, the depositions of a poor, ignorant, and superstitious Bunt widow, who had already lost her hold on the estate, which was taken by an official when annexation was in vogue. Her divisee (Patturaya) evidently succumbed to the aggression, but this does not justify that aggression.

9. *Paragraph* 6. The proprietor has pointed out the *males* or mountains, which have been included in the estate from time immemorial and no doubt rightly. The *Nettinir* or *Netti Katti* or water-shed is not the boundary of Estates,—though in leases of farms (gueny holdings) this boundary is often recognised in Canara.

10. *Paragraph* 10. The Government have no right to dispute the immemorial boundaries as indicated, unless they can advance a better title by escheat or other well-defined right. Of course, if Government agents invest State money without title or right to the field of their operations, the consequences are serious to the principal; but I have little doubt that Mr. Webster will secure the lease which certainly would not be granted to one holding Mr. Horsfall's views in respect to title of the lessor.

11. *Paragraph* 12. The point raised in this paragraph requires no orders. The right to assess *Hossagami* is a matter of course, which may be enforced without orders, if desired, in anticipation of survey; but I should not recommend it, especially at a moment of contention with the State in respect to an entirely different matter, the title to the land.

12th *June* 1876. (Signed) W. ROBINSON.

892/1

Minute

Mr. Mc. Webster has already reporte on this matter of the Parappa Forests &c. And Government have passed orders in respect to it. It is therefore to be regretted that Mr. Horsfall during a short acting incumbency in a District of whi he he can know very little – he has never been out of an East Coast District (Godavery) Should have taken upon himself to reopen a matter already decided on.

The Case must be left to the Collector who has returned to his duty and is settling these things with great care and ability. The Board make no recommendation

8/26

Except that the lease of the Forest Should be negociated; more especially I would add of that portion of the land on which the Forest Department have planted Teak without any title thereto. No other order is required.

The Estate or Zamindari – Entered in the District Land Register (Wurg) as No 1 – is Evidently a large forest Estate or Zamindari of which the Suitable flats or bottoms & [illegible] slopes are cultivated with rice and

and laid on in gardens, which are assessed as they stood when the "fixed rent" of Sir Thomas Munro's settlement of 1800 was ascertained and accepted. Improvement both by extension of rice land & conversion of Bett into Mazil & Bail; and further planting of gardens has gone on here as shown by a paimash measurement made in 1866. This extension (but probably not the Conversions) is assessable as Hossa Jama under the ancient rules of the Country. It is only a question whether single estates should be picked out here and there for this operation in anticipation of Surveys; & Govt. has decided not to do so.

I may observe that Mr. Horsfall does not apparently understand the Durmatty Chitta (Register of assessed land made in F 1201 (1801). The Durmitty Chitta is of

Canara land revenue are alluded to in Para 112 of my Minute (Vide Boards Proceedings d/ 12th March 1871). They are simply Registers of measurement &c of assessed rice land &c — within the Estate or Zamindari — and have nothing to do with the boundaries or area of the Estate and its unassessed waste and forest. The scattered position of these flats shows the extent of the Estate and

and no intervening property is claimed by other than the owners of the farms scattered here and there throughout its extended area. Where the forests of the Estate are cultivated, Kumeri assessment is charged.

The Sale-deed is in the form usual in the District and few of the title deeds of old described forest and Estate boundaries.

The joint report of adjacent proprietors (Paras 4 & 5) is the acknowledgements of the individual exercise

Exercise of the ordinary property rights of Canara. It is conclusive as to the facts that the Teak Plantations have been entirely formed on the Zamindars' land – an inconvenient fact, which does not however justify the trespass or make the need of reparation the less cogent. The Board suggest and the Govt: have already ordered the only solution consistent with the Equity of the Case – the lease of the land –

In Parab, the report of 1823 is, I think, mistranslated and misused. The Report distinctly states that there are no State forests or jungles in the Magany (district) in question but only the male mountains connected with the private Estates and owned by the proprietors of the district. There is no ~~Hisait~~ ~~the~~ an Easement here but assersion of the fullest right. As to the full proprietory title to the whole area of the Estate, Sir Thomas Munro

N B I think the attempt & strain the words ~~ats~~ aid (Kumaki) & Cultivation in the face of assersion of the fullest right often repeated before us ~~[illegible]~~ 1888 scarcely right

Munro dealt with
this matter in 1800 and
the House of Commons
in 1812, and both recog=
=nized the ancient
proprietory
Conditions of property
in the Country as
more complete than
the titles of England.
He likewise recognized
the ancient law of the
Country - Viz that the
State has a right to a
share of all crops
whether rice garden or woodland (Kurnery);
wherever grown, and
directed that such
Rossagami should be
new cultivation
added to the "fixed rent"
of the Estate, which
he had ascertained

---

and Constituted as
rent" or
the "fixed Peshkush
of the cultivated area
of the unsettled (as
compared with the ex
Cornwallis Settlement)
Zamindaris or Estates.
Mr. Horsfall is mixing
up, in his inexperience,
two wholly different
things, which Sir Thomas
Munro - and all his
successors until the
annexation or confis=
=cation policy was
started 20 years ago
by the Ryotwari Collectors,
who came into the District
- knew how to keep
entirely distinct

I

I attach little weight to, and would not take advantage (Para 8) of, the deposition of a poor, ignorant, and superstitious Bunt widow, who had already lost her hold on the Estate, taken by an official when annexation was in vogue. Her devisee, Patturaya, evidently succumbed to the aggression - but this does not justify that aggression.

Para 6. The proprietor has pointed out the Males or mountains, which have been included

included in the Estate from time immemorial and no doubt rightly. - The Nettemir or Netti Katter, watershed is not the boundary of Estates - though in leases of farms (Gueny holdings) this boundary is often recognized in Canara

2 or watershed

Para 10. The Govt: have no right to dispute the immemorial boundaries as indicated, unless they can advance a better title by Escheat or other well-defined right. - Of course if Govt: ~~[illegible]~~ to invest State money without title or or right to the field of their operations, the consequences are serious to the principal - but I have little doubt that Mr. Webster will secure the lease which certainly would not be granted to one holding Mr. Horsfall's views in respect to title of the lessor.

Para 12. The point raised in this para requires no orders. The right to assess Hossagami is a matter of course, which may be enforced without

orders, if desired in anticipation of Survey; but I should not recommend it especially at a moment of contention with the Mati- in respect to an entirely different matter, the title to the lease

17/6 C Robinson

Rec.
GO 3d July/76 No 892

Proposed [illegible]
[illegible]

GO - 3 July/76 No 892

[illegible]
J 16/6

892/15

My dear Carmichael
Have the papers
on Arrofalls letter about
Carnarvon bldgs come back
f Circ.?
If so I should like to
see them & my note again
I shall probably wish to con-
vert that letter into a
minute – in order that there
may be no doubt as to who
is responsible for the
views & which we are

, as stated, now dealing with
these important [illegible] [illegible]

25/6

Memo for orders.

Board Proceedings 30 May 1876 No 1419.

Regarding the Parappa Forests, it was observed by the Collector in para 17 of his letter recorded in G.O. 20 Feby 1875 No 271, that considerable expenditure had been incurred in planting & improving the Teak jungles & that the large number of trees, about 150,000, conserved by the Forest Dept & growing on undoubted Kumaki land, would have to be given up, the Govt having decided in G.O. 23rd October /75 to renounce all claims to proprietary right in land admitted to be Kumaki.

The Govt in their orders of 1875 above quoted approved the proposals of the Bd of Revt to

See minute.

Shd tell the Collr that the Govt decline to reopen the matter treated of in this letter & direct the Collr to proceed with his settlement. As regards the assessmt of extended cultivation there can be no doubt of the right ~~to add the~~ assessmt of all extensions & the "fixed rent" of ~~[illegible]~~ on the Estate ~~[illegible]~~ the early settlement ~~[illegible]~~. Unless special circumstances exist the Govt wd not press against individuals singled out, a measure that can not be generally adopted until the survey is undertaken 1/6

I agree & would not reopen the question wh. was most carefully considered before decision. 22/6 obtain a lease of the Forests, thereby implying that the Govt. have no title to the Forests.

Mr. Horsfall now brings to notice the following special facts regarding the claim of Puttooray to these jungles & requests the orders of Govt.; stating that Puttooraga is unwilling to come to any terms about letting them on lease to Govt.

1. The deed of sale produced in support of the claim is vague in its terms in regard to the right to the jungles.

2. The former proprietors have acknowledged that their right was confined to the collection of leaves & wood for the aid of cultivation.
The report of the Potails recd. in 1823 co

3. Sir T. Munro, on whose + decision the resolution of Govt. was based, had himself directed that extra rent should be charged on

such waste land as hav
been brought under cu
tivation.

Orders are requested on the subject.

Parapa pungle

n S Canara

14: June /76 R 16: June

No. 3

Revenue Dept.

892/19

No 892

Proceedings of the Madras Government

Under date the 5 July 1876.

Board's Proceedings 30th. May 1876 No. 1419.

The Government declin to reopen the matter treated o in the Collector's letter, and direc him to proceed with his settlemen As regards the assessment of extended cultivation, there can be no doubt of the right to add the assessment of all extensions to the "fixed rent" of the early settlement due on the Estate – Unless special circumstance exist, the Government would not press against individ

simpled

singled out, a measure which cannot be generally adopted until the Survey s undertaken.

The lease of the orest should, by all means, negotiated, especially of hat portion in which the orest Department planted eak & the Govt. entertain hopes that Mr Webster will be able to effect this measure

Ord. Copy to the Board of Rev. dated 3 July 1876 | 114 Ordered copies on 14 July

21 To the Conservator of Forests on 14 July

1 to Actg Collector of South Canara 5

[illegible]

[illegible]

[illegible]

[illegible]

28 June/96 R 1st July