

(1) Number of pages 34
(2) Date of repair 18. 1. 79
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

~~Board of Revenue~~ DEPARTMENT

G.O. No.	978 and 978 A	Press.
B.P. No.		Mis.
Dated	12. 11. 1886	197.

Not to be folded or roughly handled

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from L. R. BURROWS, Esq., Collector of Nilgiris, to the Secretary to the Board of Revenue (through the Conservator of Forests, Northern Circle), dated Ootacamund, 16th August 1886, No. 467:—

I have the honor to forward herewith an original letter, No. 958, dated 31st July 1886, from the Forest Settlement-officer, Nilgiris and Malabar, and a draft notification prepared by him for the four marginally-

- | | | |
|----------------|-----------------|---|
| 1. Kundah. | 3. Mikkeru. | noted proposed reserves, situated in the Kundah division of the Nilgiri district, for the favorable consideration of the Board of Revenue and issue of the final notification by Government, under section 16 of the Madras Forest Act (V. of 1882), constituting them reserved forests under the Act from 1st November 1886. |
| 2. Thia Shola. | 4. Hiriyashige. | |

2. I beg to submit herewith a statement showing the particulars required in Board's Proceedings, dated 18th November 1885, No. ³¹⁵⁰ Forest 634, of these reserves.

ENCLOSURE No. 1.

From A. E. C. STUART, Esq., Forest Settlement-officer, Nilgiris and Malabar, to the Collector of Nilgiris (through the District Forest-officer), dated Ootacamund, 31st July 1886, No. 958.

I have the honor to report the conclusion of the settlement of the four marginally-noted proposed reserves, situated in the Kundah division of the Nilgiri district, for the information of the Board of Revenue and issue of the final notification by Government under section 16 of the Madras Forest Act (V of 1882), all the events noted in that section having occurred.

2. The proposal to constitute these areas "reserved forests" (which are fully described in the papers printed with Board's Proceedings, dated 16th April 1885, No. ¹¹⁸⁹ Forest 213) was notified by Government under section 4 of the Act at page 342 of the *Fort St. George Gazette*, dated 19th May 1885, and the proclamation required by section 6 was published by me in the *Nilgiri District Gazette*, dated 8th June 1885.

3. Printed copies of this proclamation in diglott (English and Tamil) were duly served on all known owners or occupiers of lands included in, or adjacent to, these proposed reserved forests. Similar copies were sent to the district and village officials as also to the Civil Courts having original or appellate jurisdiction over these tracts, regard being had to the provisions of section 5 of the Act.

4. No claims have been preferred in connexion with the proposed Mikkeru or Hiriyashige reserved forests, and only one claim (which will be referred to in the next paragraph) to a right of way and user of water in connexion with the proposed Thia Shola reserved forest. The explanation is doubtless to be found in the fact that, as Mr. Benson recorded at paragraph 7 of his letter, printed with Board's Proceedings, dated 16th April 1885, No. ¹¹⁸⁹ Forest 213, "in none of these three reserves is there any private holding."

5. But in connexion with the proposed Kundah reserved forest, the following claims were preferred and determined:—

- (1) Lieutenant-Colonel W. Wilson claimed to have (a) rights of ownership over the Peermund bungalow and 3.74 acres appurtenant thereto. The claim was duly established and admitted and the property excluded from reservation; Lieutenant-Colonel Wilson also (b) claimed to have rights of way over four roads which pass through this proposed reserve as easements of necessity, and also as public rights of way leading from Ootacamund to his property and through the reserves to the Malabar district. The claim was recognised by the District Forest-officer representing the Government, and it has been admitted. Lieutenant-Colonel Wilson further (c) claimed to have the right to certain easements, *exempti gratia*, the collection of dead wood for fuel in the sholas adjoining his property, and grazing ponies and pack-bullocks free. The claim was opposed by the District Forest-officer and was subsequently withdrawn on being disallowed. Lieutenant-Colonel Wilson finally asked that, as a matter of grace, the rest of the Peermund shola (one acre) and two acres of grass-land surrounding his property might be excluded from reservation, so as to enable him to round off his property. The District Forest-officer, representing the Collector and Conservator, agreed to the exclusion on the understanding that Lieutenant-Colonel Wilson applied for the additions. The facts are set forth in the papers printed with Board's Proceedings, dated 14th January 1886, No. 107.
- (2) Messrs. Cowdell and Co., Solicitors on behalf of the proprietors of the Whitbeck estate, viz., Mr. F. D. Parker and Mesdames Winch and Pinson, claimed to have (a) right of way over the road leading from Ootacamund to the Whitbeck estate and which passes through a part of the proposed Thia Shola reserved forest, and (b) over the footpaths passing through part of the proposed Kundah reserved forest to and from the Whitbeck estate to Woodleigh, Carrington and Ooliant estates. The claims were not opposed and the rights of way were admitted as easements of necessity. Messrs. Cowdell and Co. also (c) claimed to have the right of user of water flowing from the proposed Kundah and Thia Shola reserved forests on and over the said Whitbeck estate. This claim has been admitted subject to the right of the State to exercise full control over the water before it leaves the proposed reserved forests and enters the private property, and to the ordinary rights and obligations of riparian proprietors.
- (3) The Todas of Narrigulimund claimed to have rights of occupancy (for mund site and for grazing purposes only) over S. No. 195 (11.96 acres) and S. No. 48 (19.72 acres), situated within the limits of this proposed reserved forest. The claim was duly substantiated by the special "Todas' putta" produced and was wholly admitted, the 31.68 acres claimed being admitted as an enclosure and being excluded from reservation.
- (4) Rights of occupancy were also claimed by two ordinary puttadars named Kurandi and Koma Mathan over S. No. 59 A (1.35 acres), 12 E (0.54 acres), 28 C (1.03 acres), 53 C (1.60 acres), 48 B (0.43 acres), and 5 D (1.25 acres), situated within the limits of this proposed reserved forest. The claims were duly established and admitted, and the 6.30* acres claimed were admitted as enclosures and were excluded from reservation.
- (5) The Todas of Kolimund claimed to have rights of occupancy (for mund site and grazing purposes only) over S. No. 196 (15.25 acres), situated within the limits of this proposed forest. The claim was duly established by the special 'Todas' putta produced and was wholly admitted. The 15.25 acres claimed were admitted as enclosures and were excluded from reservation.
- (6) The Todas of Onnemund claimed to have rights of occupancy (for mund site and grazing purposes only) over S. No. 197 (19.70 acres). The remarks made above in connexion with the similar claims of the Todas of Kolimund are, *mutatis mutandis*, applicable.
- (7) Similar remarks also apply to the claims preferred by the Todas of Kanmann and Thiriyaimund to rights of occupancy over S. No. 119 (11.62 acres).
- (8) The Honorable Mr. Barlow, C.S., claimed to have (a) rights of ownership over "Little Bison swamp" *alias* "Havelock Shooting-box" (2.10 acres) and over "Kokthurai Hut Shooting-box" (2.36 acres), situated within the limits of this proposed reserved forest. The claim was duly established and admitted, the properties being excluded from reservation and admitted as enclosures within the reserved forest. Mr. Barlow also claimed to have rights of ownership over the Kokthurai estate (268.79 acres), but as this property does not lie within the limits of any of these

proposed reserves, the claim was withdrawn. Mr. Barlow claimed to have (b) rights of way over seven paths. The claim *as of right* not having been established was rejected; but the privilege of using six of the seven paths has been conceded to Mr. Barlow on the motion of the District Forest-officer, as by *favor*, the concession being withdrawable at will and not operating as a legal right (*vide* Board's Proceedings, dated 14th July 1886, Forest No. 387). Mr. Barlow also originally claimed (c) to have rights of certain minor easements, but subsequently withdrew the claim which was not admitted. Mr. Barlow (d) also asked as an *act of grace* that 2 acres of grass and 0.10 acres of shola might be excluded from reservation and rendered available as an addition to his "Kokthurai Shooting-box" house-site; and that 2 acres of grass and 13 acres of shola might be excluded from reservation and rendered available as an addition to his "Bison Swamp Shooting-box" house-site. The request was communicated for orders with my letter, No. 140, dated 30th April 1886, and was supported by the Board of Revenue in their Proceedings, dated 25th May 1886, Forest No. 287. By G.O., dated 23rd June 1886, No. 512, Revenue (communicated with Board's Proceedings, dated 14th July 1886, Forest No. 385), Government sanctioned the exclusion which has accordingly been made.

6. It will thus be seen that over 93.05* acres included within this proposed reserved forest rights of ownership or occupancy have been established, and that 20.10 acres have in addition to these 93.05 acres been excluded from the proposed reserved forests as to be available as additions to certain properties. The subjoined table gives the details regarding these 113.15† acres excluded, at a glance:—

Name of claimant.	Area excluded over which rights have been admitted.	Nature of rights admitted.	Remarks.
Lieut.-Col. W. Wilson.	3.74	Ownership	Peermund property.
Todas of Narrigulimund.	11.96	Occupancy (for mund-site and grazing)	S. No. 195.
Kurandi and Koma Mathan.	19.72		S. No. 48.
	1.35		S. No. 59 A.
	0.54		S. No. 12 E.
	1.03		S. No. 28 C.
	1.60		S. No. 53 C.
	0.43		S. No. 48 B.
	1.25		S. No. 5 D.
Todas of Kolimund	15.25	Occupancy (for mund-site and grazing).	S. No. 196.
Todas of Onnemund	19.70	Do.	S. No. 197.
Todas of Thiriyaimund.	11.62	Do.	S. No. 199.
Hon. Mr. Barlow, C.S.	2.10	Ownership	"Little Bison's swamp" <i>alias</i> "Havelock Shooting-box" and "Kokthurai Shooting-box."
	2.36		
Total ..	93.05		
Areas excluded from proposed Kundah reserved forest so as to be available as additions to certain properties.	1.00	(Shola)	Excluded so as to be available as additions to Lieut.-Col. W. Wilson's Peermund property— <i>vide</i> Collector's letter, dated 4th December 1885, No. 883, printed with Board's Proceedings, dated 14th January 1886, Forest 17.
	2.00	(Grass)	
	2.60	(Grass)	(a) Excluded so as to be available as additions to Mr. Barlow's
	0.10	(Shola)	"Kokthurai Shooting-box" and "Bison Swamp Shooting-box," respectively, as sanctioned by G.O., dated 23rd June 1886, No. 512, Revenue.
	2.0	(Grass)	
	13.0	(Shola)	
Total ..	20.10		
Total area excluded ..	93.05		
	20.10		
Grand Total ..	113.15		

7. The accompanying map (in three sheets) of the Kundah division shows the positions of the four proposed reserve forests under report. I request that this map may be returned, when no longer required by the Board and Government, to the Conservator of Forests, Northern Circle, who kindly lent it to me.

8. The subjoined table, prepared from a statement furnished by the Survey Department

* The correct figures should be 106 85 acres and 45,514 59 respectively.—(Initialled) A.E.C.S.

of 45,508 29* acres, or say in round numbers 71 square miles available to be constituted "reserved forest":—

Name of proposed reserve.	Approximate total area. ACS.
1. Kundah ...	40,627.68
2. Thia Shola ...	1,551.36
3. Mikkeru ...	1,267.20
4. Hiriyashige ...	2,175.20
Total ...	45,621.44

9. The appended draft notification under section 16 gives the boundaries of these areas and shows the nature of the rights finally admitted. I trust Government will be pleased to direct the publication of this notification at a very early date.

10. A copy of the register of claims, &c., is also forwarded.

Register of claims to lands or rights to forest produce or easements in the proposed Kundah reserved forests, viz., Kundah, Thia Shola, Mikkeru and Hiriyashige.

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest-officer's argument and evidence produced by him.	Brief abstract of decision and final disposal of the claims by the Forest Settlement-officer.	Remarks.	
I	Lieutenant-Colonel W. Wilson, of Octadumund.	28th July 1885.	(a) Rights of ownership over Permunda bungalow and 3 1/4 acres appurtenant thereto. (b) Rights of way over— (1) Road from Avanchi to the bungalow. (2) Road from Avanchi to the bungalow. (3) Road from Avanchi to the bungalow. (4) Road from Avanchi to the bungalow. (5) Road from Avanchi to the bungalow. (6) Road from Avanchi to the bungalow. (7) Road from Avanchi to the bungalow. (8) Road from Avanchi to the bungalow. (9) Road from Avanchi to the bungalow. (10) Road from Avanchi to the bungalow. (11) Road from Avanchi to the bungalow. (12) Road from Avanchi to the bungalow. (13) Road from Avanchi to the bungalow. (14) Road from Avanchi to the bungalow. (15) Road from Avanchi to the bungalow. (16) Road from Avanchi to the bungalow. (17) Road from Avanchi to the bungalow. (18) Road from Avanchi to the bungalow. (19) Road from Avanchi to the bungalow. (20) Road from Avanchi to the bungalow. (21) Road from Avanchi to the bungalow. (22) Road from Avanchi to the bungalow. (23) Road from Avanchi to the bungalow. (24) Road from Avanchi to the bungalow. (25) Road from Avanchi to the bungalow. (26) Road from Avanchi to the bungalow. (27) Road from Avanchi to the bungalow. (28) Road from Avanchi to the bungalow. (29) Road from Avanchi to the bungalow. (30) Road from Avanchi to the bungalow. (31) Road from Avanchi to the bungalow. (32) Road from Avanchi to the bungalow. (33) Road from Avanchi to the bungalow. (34) Road from Avanchi to the bungalow. (35) Road from Avanchi to the bungalow. (36) Road from Avanchi to the bungalow. (37) Road from Avanchi to the bungalow. (38) Road from Avanchi to the bungalow. (39) Road from Avanchi to the bungalow. (40) Road from Avanchi to the bungalow. (41) Road from Avanchi to the bungalow. (42) Road from Avanchi to the bungalow. (43) Road from Avanchi to the bungalow. (44) Road from Avanchi to the bungalow. (45) Road from Avanchi to the bungalow. (46) Road from Avanchi to the bungalow. (47) Road from Avanchi to the bungalow. (48) Road from Avanchi to the bungalow. (49) Road from Avanchi to the bungalow. (50) Road from Avanchi to the bungalow. (51) Road from Avanchi to the bungalow. (52) Road from Avanchi to the bungalow. (53) Road from Avanchi to the bungalow. (54) Road from Avanchi to the bungalow. (55) Road from Avanchi to the bungalow. (56) Road from Avanchi to the bungalow. (57) Road from Avanchi to the bungalow. (58) Road from Avanchi to the bungalow. (59) Road from Avanchi to the bungalow. (60) Road from Avanchi to the bungalow. (61) Road from Avanchi to the bungalow. (62) Road from Avanchi to the bungalow. (63) Road from Avanchi to the bungalow. (64) Road from Avanchi to the bungalow. (65) Road from Avanchi to the bungalow. (66) Road from Avanchi to the bungalow. (67) Road from Avanchi to the bungalow. (68) Road from Avanchi to the bungalow. (69) Road from Avanchi to the bungalow. (70) Road from Avanchi to the bungalow. (71) Road from Avanchi to the bungalow. (72) Road from Avanchi to the bungalow. (73) Road from Avanchi to the bungalow. (74) Road from Avanchi to the bungalow. (75) Road from Avanchi to the bungalow. (76) Road from Avanchi to the bungalow. (77) Road from Avanchi to the bungalow. (78) Road from Avanchi to the bungalow. (79) Road from Avanchi to the bungalow. (80) Road from Avanchi to the bungalow. (81) Road from Avanchi to the bungalow. (82) Road from Avanchi to the bungalow. (83) Road from Avanchi to the bungalow. (84) Road from Avanchi to the bungalow. (85) Road from Avanchi to the bungalow. (86) Road from Avanchi to the bungalow. (87) Road from Avanchi to the bungalow. (88) Road from Avanchi to the bungalow. (89) Road from Avanchi to the bungalow. (90) Road from Avanchi to the bungalow. (91) Road from Avanchi to the bungalow. (92) Road from Avanchi to the bungalow. (93) Road from Avanchi to the bungalow. (94) Road from Avanchi to the bungalow. (95) Road from Avanchi to the bungalow. (96) Road from Avanchi to the bungalow. (97) Road from Avanchi to the bungalow. (98) Road from Avanchi to the bungalow. (99) Road from Avanchi to the bungalow. (100) Road from Avanchi to the bungalow.	Claim (a) is not opposed by the District Forest-officer and is admitted. Claim (b) is admitted by the District Forest-officer on behalf of the Government and public generally. Claim (c) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (d) is not opposed by the District Forest-officer and is admitted. Claim (e) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (f) is not opposed by the District Forest-officer and is admitted. Claim (g) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (h) is not opposed by the District Forest-officer and is admitted. Claim (i) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (j) is not opposed by the District Forest-officer and is admitted. Claim (k) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (l) is not opposed by the District Forest-officer and is admitted. Claim (m) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (n) is not opposed by the District Forest-officer and is admitted. Claim (o) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (p) is not opposed by the District Forest-officer and is admitted. Claim (q) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (r) is not opposed by the District Forest-officer and is admitted. Claim (s) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (t) is not opposed by the District Forest-officer and is admitted. Claim (u) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (v) is not opposed by the District Forest-officer and is admitted. Claim (w) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (x) is not opposed by the District Forest-officer and is admitted. Claim (y) is opposed on the ground that the Government has no legal rights to the minor easements which have not become prescriptive against the State. Claim (z) is not opposed by the District Forest-officer and is admitted.	Exhibit A clearly establishes Lieutenant-Colonel Wilson's rights of ownership over Permunda bungalow and 3 1/4 acres appurtenant thereto. It is therefore wholly admitted and the property is hereby admitted as an easement within the proposed Kundah reserved forest, though being itself excluded from reservation. The rights of way claimed as easements of necessity being recognized as such by the District Forest-officer on behalf of the Government and public generally, these rights will be respected and admitted. The claimant has not attempted to establish his claim to (a) the minor easements as of right and the claim is therefore rejected. (Sd.) A. F. C. STUART, Forest Settlement-officer, Nilgiris and Malabar. 29th Sept. 1885.	The claims are admitted as the rights of way are necessary to permit of access to the bungalow from the Whitbeck estate, and as the proprietors of that estate have a right to the use of the water in the proposed Kundah reserved forest, the right is admitted subject to the ordinary rights and obligations of riparian proprietors, Government having full control over the water in the proposed reserve. (Sd.) A. F. C. STUART, Forest Settlement-officer, Nilgiris and Malabar. 29th Sept. 1885.	Lieutenant-Colonel W. Wilson has asked that as an act of grace the remaining portion of the Permunda shola (1 acre in extent) as also 2 acres of grass surrounding his property may be excluded from reservation, so as to enable him to found off his property. The District Forest-officer representing the views of the Collector and Conservator accedes to this request on condition that Lieutenant-Colonel Wilson applies for the proposed addition to this property, and that Government are pleased to grant the same. Should Government refuse, the 1 acre of shola and 2 acres of grass can be added to the reserve subsequently by a fresh notification. On this understanding I direct that the 1 acre of shola and 2 acres of grass in question be excluded from reservation. (Sd.) A. F. C. STUART, Forest Settlement-officer, Nilgiris and Malabar. 29th Sept. 1885.	
II	Messrs Cowdall and Co., Solicitors, Octadumund, on behalf of Mr. F. D. Parker and Messrs W. and J. Fisher, proprietors of the Whitbeck estate.	1st Sept. 1885.	(a) Rights to (a) collect dead-wood for fuel in the bungalow and (b) to graze horses and bullock in the neighbourhood of the Permunda bungalow. (b) Right of way over the road from Octadumund through the Thia Shola reserve to the Whitbeck estate; and (c) right of way over the foot-paths passing through parts of the proposed Kundah and Thia Shola reserved forests to the Whitbeck estate. (c) Right of user of water flowing from the proposed Kundah and Thia Shola reserved forests on and over the said Whitbeck estate.	All three claims are preferred as to easements of necessity.	* The District Forest-officer does not oppose any of these claims but stipulates with respect to (c) that Government shall have full control over the water in the proposed reserve.	Do.	Not applicable.	

3. 6 5 18. 10. 1885. 17 2. 1886. 2. 1886.

Register of claims to lands or rights to forest produce or easements in the proposed Kundah reserved forests, &c.—continued.

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest-officer's argument and evidence produced by him.	Brief abstract of decisions and final disposal of the claims by the Forest Settlement officer.	Remarks.
III	The Todas of Nariigulimund represented by (1) Podmar, (2) Peppanur, and (3) Kinnayan.	5th Oct. 1885.	Rights of occupancy for mund site and for grazing purposes over S. No. 195 (11.96 acres) and S. No. 48 (19.72 acres).	The claimants rely on exhibits A and B which are Toda puttas.	The claim is admitted by the District Forest-officer, who argues that the lands in question be admitted as enclosures within the proposed Kundah reserved forest.	Nil	
IV	(1) Kurandi and (2) Koma Ma-than, Puttas of Melkunda village.	Do.	Rights of occupancy over:— S. No. 59-A (1.35 acres), S. No. 12-E (0.54 acres), S. No. 28-C (1.03 acres), S. No. 53-C (1.60 acres), S. No. 48-B (0.43 acres), S. No. 5-D (1.35 acres).	The claimants rely on their putta (exhibit A).	The claim is not opposed by the District Forest-officer, who argues that the holdings be admitted as enclosures within the proposed Kundah reserved forest.	Do.	<p>Note.—The recently published maps of Melkunda village show that these survey numbers fall <i>outside</i> the limits of this proposed reserve. Consequently they will in no way be affected by the settlement.</p> <p>(Sd.) A. E. C. STUART, Forest Sett. officer, Nilgiris and Malabar. 26th Aug. 1886.</p>

17

6

30th Oct. 1885.

30th Oct. 1885.

30th Oct. 1885.

30th Oct. 1885.

30th Oct. 1885.

30th Oct. 1885.

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest-officer's argument and evidence produced by him.	Brief abstract of decisions and final disposal of the claims by the Forest Settlement officer.	Remarks.
V	The Todas of Kolimund represented by their headman Kuluar.	Do.	Rights of occupancy for mund site and grazing purposes over S. No. 196 (area 15.25 acres).	The claimants rely on their "Toda" putta.	The claim is admitted by the District Forest-officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	Do.	<p>The claim is wholly admitted to the extent indicated in the putta and subject to the conditions specified therein, viz., the land has been granted for mund site or grazing purposes only; that the Todas have no right to sell or lease the land or to fell the shola and sell the wood; that if any part of the shola is felled or any part of the land is sold or leased, it will be at once assessed, shola at Rs. 1,000 per acre per annum, grass at Rs. 100 per acre per annum.</p> <p>S. No. 196 (15.25 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation.</p> <p>(Sd.) A. E. C. STUART, Forest Sett. officer, Nilgiris and Malabar. 30th Oct. 1886.</p>
VI	The Todas of Onnomund represented by (1) Trisheri and (2) Toreri.	Do.	Rights of occupancy for mund site and grazing purposes over S. No. 197 (19.70 acres).	The claimants rely on exhibit A, which is a Toda putta.	The claim is admitted by the District Forest-officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	Do.	<p>The claim is wholly established by exhibit A is wholly admitted to the extent covered by the putta and subject to the conditions specified therein. The land has been granted for mund site or grazing purposes only. The Todas have no right either to sell or lease the land or to fell the shola and sell the wood. If any part of the shola is felled or any part of the land is sold or leased, it will be at once assessed, shola at Rs. 1,000 per acre per annum, grass at Rs. 100 per acre per annum.</p> <p>S. No. 197 (19.70 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation.</p> <p>(Sd.) A. E. C. STUART, Forest Sett. officer, Nilgiris and Malabar. 30th Oct. 1886.</p>
VII	The Todas of Kanna-muru and Thiriyarai represented by their headman Kolanuru.	Do.	Rights of occupancy for mund site and grazing purposes over S. No. 199 (area 11.62 acres).	The claimants rely on their Toda putta and on the fact that the land has been specially set apart as a "Toda" reserve for the funeral ceremonies thereon.	The claim is admitted by the District Forest-officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	Do.	<p>The claim being established is wholly admitted to the extent covered by the putta and subject to the conditions specified therein, which are identical with those entered in all special Toda puttas. S. No. 199 (11.62 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation.</p> <p>(Sd.) A. E. C. STUART, Forest Sett. officer, Nilgiris and Malabar. 30th Oct. 1886.</p>

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest-officer's argument and evidence produced by him.	Brief abstract of decisions and final disposal of the claims by the Forest Settlement-officer.	Direct abstract of decision, if any, of Court of appeal and settlement.	Remarks.
VIII	The Honorable Mr. Barlow, C. S., Madras.	9th Aug. 1885.	(1) Rights of ownership over— (a) "Little" Bison swamp, "Havelock shooting box" (2-40 acres); (b) Over "Kokthurai" but shooting box" (2-36 acres); (c) Over "Kokthurai" estate (2-8-79 acres). (2) Rights of way over— (a) Path from "Bison swamp" shooting box" to Peer-mund and thence to Kokthurai village; Hamund village; (b) Path from Bison swamp shooting box, skirting the Takkali shola to bridge-path and thence to Peer-mund by the cliffs to junction with (a). (c) Path from Bison swamp shooting box to Lingmund and Kollmund villages; (d) Path from Kokthurai but via Bear hill valley to the top of Avalanche valley to where it joins the road.	In support of claims to (1) (a) and (b), the claimant relied on Exhibits A and B. As regards (1) (a), Mr. Barlow withdrew his claim, the "Kokthurai estate" being situated outside the limits of the proposed reserved forests. The claimant has not attempted to establish his claim to (2) the seven rights of way claimed originally as of right, but expressed himself willing to accept the District Forest-officer's proposed concession that he be permitted to continue to use all these with the exception of (f) as by law as not as by legal right. The claimant has not attempted to establish his claim to (3), the minor easements as of right, and the said claim was subsequently withdrawn. The claimant also did not attempt to establish his claim to (4) sporting rights, which claim was also subsequently withdrawn.	The District Forest-officer admitted the claimant's rights of ownership over (1) (a) and (b), and moved that they be admitted as enclosures within the proposed Kundah reserved forest. He opposed the claim to (2) all the rights of way as of right, but was willing to concede to the claimant the privilege of continuing to use all the paths except (f) as a matter of favor and not as of right. He opposed the claim to (3) and (4), which the claimant subsequently withdrew.	Exhibit A consists (1) of a waste land titled No. 8 of 1871 granted to C. C. Havelock, Esq., by the Right Honorable the Secretary of State for India, with (2) certificates, under (G. O. No. 1655 of 22nd September 1871, securing to Mr. Havelock rights of ownership over "Little Bison swamp" and "Havelock shooting box" (2-40 acres) and (3) of transfer deed, dated 4th April 1883, executed by Mr. C. C. Havelock to Mr. Barlow, whereby the vacant land transferred to Mr. Barlow. I find therefore that the claimant's rights of ownership over this property are established. I find that the claimant's rights of ownership over "Little Bison swamp" and "Havelock shooting box" and 2-40 acres of land thereto and wholly admit his claim. I direct that this property be admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation. Exhibit B consists of waste land titled No. 1 of 1883 granted to Mr. Barlow by the Right Honorable the Secretary of State for India, giving the claimant rights of ownership over "Kokthurai but shooting box" and 2-36 acres of land thereto. I find that Mr. Barlow has undoubted rights of ownership over this property and wholly admit his claim thereto. I direct that it be admitted as an enclosure within the proposed reserved forest, though being itself excluded from reservation. The "Kokthurai estate" (2-8-79 acres) does not fall within the limits of the proposed Kundah reserved forests and Mr. Barlow has, therefore, withdrawn his claim with respect to this property. No order therefore is necessary. As regards the seven rights of way claimed, the claimant has adduced no evidence in support of his claims thereto as of right. The claim is opposed, and having regard to the provisions of section 15 of the Indian Easements Act, I am of opinion that the claim could not be legally established. I therefore reject Mr. Barlow's claim as of right to use the seven paths claimed. Note.—Though Mr. Barlow's claim as of right has been rejected, the District Forest-officer is willing to concede to Mr. Barlow the privilege of continuing to use all these paths except (f) as matter of favor. This concession does not operate as a right and is withdrawable at will. No evidence having been adduced in support of Mr. Barlow's claim to the right of collecting dry wood and grazing, and having regard to the provisions of section 15 of the Indian Easements Act, the said claim, which Mr. Barlow has withdrawn, is rejected. Similar remarks apply to Mr. Barlow's claim to rights of sporting. The right to shoot in reserved forests is regulated by rules framed by Government having the force of law and to these rules Mr. Barlow must conform.	Nil.	Note.—Mr. Barlow requests that, as an act of grace, 2 acres of grass and 10 cents of shola indicated in plan No. I and marked A to A' and B to B' and it may be excluded from the proposed Kundah reserve and assigned to Mr. Barlow as an addition to his "Kokthurai shooting box" house-site, and that 2 acres of grass and the whole of the remaining shola (13 acres), part of which (9-42 acres) is already held by Mr. Barlow indicated in plan No. II by red lines, may be similarly excluded and assigned to Mr. Barlow as an addition to his "Bison swamp shooting box" house-site. Mr. Barlow undertakes not to cultivate these additions, if granted, so long as he remains a Member of the Madras Civil Service. The District Forest-officer representing the views of the Collector and Conservator says there is no objection to these additions being excluded from the proposed Kundah reserved forests, and assigned to Mr. Barlow, so far as the Revenue and Forest authorities are concerned, provided Government are pleased to sanction the request. Both Mr. Barlow and the District Forest-officer therefore urge the expediency of the request being laid before the Board of Revenue and Government for orders. Having regard to these facts, I resolve to address the Board of Revenue with a view to obtaining definite orders.

(Sd.) A. E. C. STUART,
Forest Sett. officer,
Nilgiris and Malabar.
OOTACAMP.
25th April 1886.

17

In accordance with the foregoing resolution the Board of Revenue was addressed through the Collector and Conservator, in my letter, No. 140, dated 20th April 1886. The Board in their Proceedings, dated 25th May 1886, Forest No. 287, were pleased to support Mr. Barlow's request, which Government in G.O., dated 23rd June 1886, No. 612, Revenue, were pleased to sanction. This sanction having been communicated with Board's Proceedings, dated 14th July 1886, Forest No. 388, I direct that the proposed additions above-mentioned be admitted as enclosures within the proposed Kundah reserved forest, though being themselves excluded from reservation, and made available as house-site additions to Mr. Barlow's properties.

(Sd.) A. E. C. STUART,
Forest Sett. officer,
Nilgiris and Malabar.
OOTACAMP.
30th July 1886.

Similar remarks apply to Mr. Barlow's claim to rights of sporting. The right to shoot in reserved forests is regulated by rules framed by Government having the force of law and to these rules Mr. Barlow must conform.

(Sd.) A. E. C. STUART,
Forest Sett. officer,
Nilgiris and Malabar.
OOTACAMP.
25th April 1886.

from Ootacamund to Sagarai;
(c) Path from Kokthurai but to Havelock's track via Farwell's track eastward.
(f) Path from Kokthurai but to Ootacamund via Mr. Widdrington's plantation (near Mooraduram), Kokthurai to junction with Havelock's track.
(g) Path from Kokthurai but via Farwell's track westward round the crest of the Thia shola valley through Thia shola to junction with the new road from Thia shola and thence to the Corbington and Woodleigh estates towards Kunia-kury.
(3) Right to collect (a) dry fallen wood for firewood in the Government sholas adjoining "Little Bison swamp" and "Kokthurai but shooting box," and (b) to graze free pack-bullocks, ponies and cattle on the grass lands adjoining "Little Bison swamp" and "Kokthurai but shooting box."
(4) Right of sporting all over unoccupied grass lands and sholas within the proposed Kundah reserved forests.

Enclosure No. 3.
STATEMENT showing particulars of forests proposed for reservation, those reserved or under settlement, as compared with total areas of land in which they are situated.

1	2	3	4				5	6	7			8	9		
			APPROXIMATE AREA OF PROPOSED RESERVE.						APPROXIMATE AREA OF RESERVES ALREADY NOTIFIED UNDER SECTION 18.					APPROXIMATE AREA OF RESERVES UNDER SETTLEMENT.	
No.	Name of the Reserves.	Acs.	Forest.	Grass, scrub, &c.	Total.	Ratio of columns 3 to 2.	No.	Name of the re- serves.	Forest.	Grass, scrub, &c.	Total.	Ratio of columns 5 to 2.	Ratio of columns 7 to 2.	Ratio of columns 3, 5 and 7 to 2.	
Kundah nad .. 64,944	{	Acs.	1	Kundah	..	13,429-00	27,091-83	40,620-83	Nil.						
			2	Thia Shola	..	1,163-00	389-36	1,551-36							
			3	Milkeru	..	634-00	633-20	1,267-20							
			4	Hiriyashige	..	1,087-00	1,088-20	2,175-20							
			Total ..		16,313-00	29,501-59	45,514-59								7:10

ENCLOSURES Nos. 4 to 6.—Sketch-map of the Kundah division in three parts.

ENCLOSURE No. 7.—Draft notification.

Endorsement by J. S. GAMBLE, Esq., Conservator of Forests, Northern Circle, dated Ootacamund, 1st September 1886, No. 1304.

Forwarded to the Board of Revenue for favorable consideration. The papers have been delayed in order to ask the Forest Settlement-officer to alter the boundary descriptions so as to agree with the lately-published village maps, and this has now been done.

RESOLUTION—dated 5th October 1886, Forest No. 528.

The draft notification, under section 16 of the Forest Act, relating to the four proposed reserves in the Kundah division will be submitted to Government for approval and publication in the *Fort St. George Gazette*.

2. The Board recommend that the 1st December 1886 be fixed as the date from which the reservation shall take effect.

3. The area of the above reserves as settled for final reservation is acres 45,514-59 as shown below:—

Area notified under section 4	ACS.	45,621-44
Extent of private holdings, &c., excluded at settlement by the Forest Settlement-officer before receipt of the newly-published village maps		113 15
Balance		45,508-29
Add—Extent of the lands of the two claimants in claim No. 4 which was originally excluded but was subsequently found to be outside the reserve		6-30
Total		45,514-59

The extent (acres 45,508-29) entered in the statement of area will therefore be altered correspondingly.

(True Copies and Extract.)

Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with a draft notification, and the Kundah map
in three parts (to be returned).

Copy to the Conservator of Forests, Northern Circle.
" " Collector of the Nilgiris.
" " Conservator of Forests, Southern Circle.
" " Examiner of Forest Accounts.

Exd. J. Henrious.

5.5.55 No 528

For 10126

5.0.978 11/11/11
 The draft notification is approved & will be published in the Fort St. George & the Nilgiri Dist. Gazette, the 1st January 1887 being entered as the date on which the notification shall come into force.

8.11 6.12.86
 6.11.86

The Board of Revenue
 with 5 maps 10126
 a report for the same

Encl no: 978
 Copy to the Govt of India
 P.W. Dept (Forests).

130
 4

11.11.86

REVENUE DEPARTMENT.
 1886.
 Board of Revenue,
 MADRAS.

No 8883



Printed October the
 21st Nov.

Proceedings, dated 5th October 1886,
 Forest No. 528.

Print
 12/11

Submitting to Government, for approval and publication in the Fort St. George Gazette, draft notification under section 16 of Act V of 1882 for certain proposed reserves in the Kundah division, Nilgiri district, and recommending the 1st December as the date from which the reservation shall take effect.

P. R.

His Excellency the
 notify under the provision
 as described in the reco
 to Fort Saint George Gaz
 reserved forest" under

20 District Lab. Division - 10

1. Nilgiri Kundah Kundah
 Division,
 Nilgiri
 Kundah
 Kundah
 Kundah
 Kundah

Reserved by the Govt of
 of security have been
 (area 11.62 acres) now which rights
 10. Kundah Kundah 1887

(1 Contd) Nilgiri Kundah Kundah
 Division Kundah
 Kundah
 Kundah
 Kundah

Farrington and Rohaut Estates.
 4. The right of use of water flowing
 from the Kundah and River Chola
 Reserves on and over the Chikaback
 Estate has been secured to the proprietors
 of the Chikaback Estate subject to the
 ordinary rights and obligations of
 riparian proprietors.

North. Kollhurai, Chikaback
 and River Chola Estates.

Plot. A line drawn from the
 South-Western point of the
 River Chola Estate in a southerly
 direction to the Northern boundary
 of the abandoned Malakundah
 Government Pinchona Plantations;
 then along the Northern, Eastern,
 and Southern of the same to the
 Farrington Estate, then the
 Farrington and Woodleigh
 Estates to the most Southern
 point of the latter; then a
 line along a ridge in a
 South-Westerly direction to the
 Malabar District boundary.

includes the great River Chola
 Forest and the abandoned
 Government Malakundah
 Pinchona Plantations.
 The following right of way
 has been admitted:
 Road from the command
 to the Chikaback Estate.

Malgiri Annakurai Millkuru
 and
 Malakundah
 (Continued)

Plantations.
 Plot. A line from the South Eastern
 Corner of that plantation to the top of
 the ridge, then a path to R.R. 131
 (Kinnakurai) then 132, 136, 135, 134,
 to the South-Western Corner of the last
 field, then a line South west to the
 Malabar District boundary.
 South. The Malabar District
 West. The River Chola Reserved Forest
 and the Farrington and Woodleigh
 Estates.

Malgiri Kundah Kiringa
 Division Shiga.
 Malakundah
 and
 Kinnakurai.

North and East. The Kundah
 River
 South. The Malabar District
 Kinnakore Estate R.R. 64 and 6
 Kinnakore Village.
 Plot. The Kinnakore Estate R.R. $\frac{3}{4}$ then
 $\frac{1}{4}$, then the bridge path from Kinnakore
 to Malakundah till it meets $\frac{317}{1}$
 (Malakundah Change) then $\frac{317}{1}$ to the
 Pajambahadu, then across that
 stream to the Southern Corner of
 $\frac{34}{B}$, then $\frac{34}{B}$, 207, 208, and then
 a line North East along the Chola
 to the Kundah River.

12TH NOVEMBER 1886, Nos. 978, 978A, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 5th October 1886, Forest No. 528:—

Read—the following letter from L. R. BURLINGS, Esq., Collector of Nilgiris, to the Secretary to the Board of Revenue (through the Conservator of Forests, Northern Circle), dated Ootacamund, 16th August 1886, No. 467:—

I have the honor to forward herewith an original letter, No. 958, dated 31st July 1886, from the Forest Settlement-officer, Nilgiris and Malabar, and a draft notification prepared by him for the four marginally-noted proposed reserves, situated in the Kundah division of the Nilgiri district, for the favorable consideration of the Board of Revenue and issue of the final notification by Government, under section 16 of the Madras Forest Act (V of 1882), constituting them reserved forests under the Act from 1st November 1886.

1. Kundah.
2. Thia Shola.

3. Mikkeru.
4. Hiriyashige.

2. I beg to submit herewith a statement showing the particulars required in Board's Proceedings, dated 18th November 1885, No. ²¹⁵⁰ Forest 634, of these reserves.

ENCLOSURE No. 1.

Letter from A. E. C. STUART, Esq., Forest Settlement-officer, Nilgiris and Malabar, to the Collector of Nilgiris (through the District Forest-officer), dated Ootacamund, 31st July 1886, No. 958:—

I have the honor to report the conclusion of the settlement of the four marginally-noted proposed reserves, situated in the Kundah division of the Nilgiri district, for the information of the Board of Revenue and issue of the final notification by Government, under section 16 of the Madras Forest Act (V of 1882), all the events noted in that section having occurred.

2. The proposal to constitute these areas "reserved forests" (which are fully described in the papers printed with Board's Proceedings, dated 16th April 1885, No. ¹¹⁸⁹ Forest 213), was notified by Government, under section 4 of the Act, at page 312 of the *Fort St. George Gazette* dated 19th May 1885, and the proclamation required by section 6 was published by me in the *Nilgiri District Gazette* dated 8th June 1885.

3. Printed copies of this proclamation in diglott (English and Tamil) were duly served on all known owners or occupiers of lands included in or adjacent to these proposed reserved forests. Similar copies were sent to the district and village officials, as also to the civil courts having original or appellate jurisdiction over these tracts, regard being had to the provisions of section 5 of the Act.

4. No claims have been preferred in connection with the proposed *Mikkeru* or *Hiriyashige* reserved forests, and only one claim (which will be referred to in the next paragraph) to a right of way and user of water in connection with the proposed *Thia Shola* reserved forest. The explanation is doubtless to be found in the fact that, as Mr. Benson recorded at paragraph 7 of his letter printed with Board's Proceedings, dated 16th April 1885, No. ¹¹⁸⁹ Forest 213, "in none of these three reserves is there any private holding."

File 4578/86

5. But in connection with the proposed *Kundah* reserved forest, the following claims were preferred and determined:—

- (1) Lieutenant-Colonel W. Wilson claimed to have (a) rights of ownership over the Peermund bungalow and 3.74 acres appurtenant thereto. The claim was duly established and admitted, and the property excluded from reservation. Lieutenant-Colonel Wilson also (b) claimed to have rights of way over four roads which pass through this proposed reserve as easements of necessity, and also as public rights of way leading from Ootacamund to his property and through the reserves to the Malabar district. The claim was recognised by the District Forest-officer representing the Government, and it has been admitted. Lieutenant-Colonel Wilson further (c) claimed to have the right to certain easements, *exempli gratia*, the collection of dead-wood for fuel in the sholas adjoining his property, and grazing ponies and pack-bullocks free. The claim was opposed by the District Forest-officer and was subsequently withdrawn on being disallowed. Lieutenant-Colonel Wilson finally asked that, as a matter of grace, the rest of the Peermund shola (one acre) and two acres of grass-land surrounding his property might be excluded from reservation, so as to enable him to round off his property. The District Forest-officer, representing the Collector and Conservator, agreed to the exclusion, on the understanding that Lieutenant-Colonel Wilson applied for the additions. The facts are set forth in the papers printed with Board's Proceedings dated 14th January 1886, No. 107.

- (2) Messrs Cowdell and Co., Solicitors on behalf of the proprietors of the Whitbeck estate, viz., Mr. F. D. Parker and Mesdames Winch and Piment, claimed to have (a) right of way over the road leading from Ootacamund to the Whitbeck estate, and which passes through a part of the proposed Thia Shola reserved forest, and (b) over the foot-paths passing through part of the proposed Kundah reserved forest to and from the Whitbeck estate to Woodleigh, Carrington and Oolient estates. The claims were not opposed and the rights of way were admitted as easements of necessity. Messrs. Cowdell and Co. also (c) claimed to have the right of user of water flowing from the proposed Kundah and Thia Shola reserved forests on and over the said Whitbeck estate. This claim has been admitted, subject to the right of the State to exercise full control over the water before it leaves the proposed reserved forests and enters the private property, and to the ordinary rights and obligations of riparian proprietors.

- (3) The Todas of Nairigulimund claimed to have rights of occupancy (for mund site and for grazing purposes only) over S. No. 195 (11.96 acres) and S. No. 43 (19.72 acres) situated within the limits of this proposed reserved forest. The claim was duly substantiated by the special "Todas" putta produced and was wholly admitted, the 31.68 acres claimed being admitted as an enclosure and being excluded from reservation.

- (4) Rights of occupancy were also claimed by two ordinary puttadars named Kurandi and Koma Mathan over S. No. 59 A (1.35 acres), 12 E (0.54 acres), 23 C (1.03 acres), 53 C (1.60 acres), 48 B (0.43 acres), and 5 D (1.35 acres) situated within the limits of this proposed reserved forest. The claims were duly established and were

admitted, and the 6.30* acres claimed were admitted as enclosures and were excluded from reservation.

- (5) The Todas of Kolimund claimed to have rights of occupancy (for mund site and grazing purposes only) over S. No. 196 (15.25 acres) situated within the limits of this proposed reserved forest. The claim was duly established by the special Todas' putta produced and was wholly admitted. The 15.25 acres claimed were admitted as enclosures and were excluded from reservation.

- (6) The Todas of Ornemund claimed to have rights of occupancy (for mund site and grazing purposes only) over S. No. 197 (19.70 acres). The remarks made above in connection with the similar claims of the Todas of Kolimund are, *mutatis mutandis*, applicable.

- (7) Similar remarks also apply to the claims preferred by the Todas of Kanmann and Thiriyaraimund to rights of occupancy over S. No. 119 (11.62 acres).

- (8) The Honorable Mr. Barlow, C.S., claimed to have (a) rights of ownership over "Little Bison Swamp" *alias* "Havelock-Shooting-box" (2.40 acres), and over "Kokthurai Hut Shooting-box" (2.36 acres), situated within the limits of this proposed reserved forest. The claim was duly established and admitted, the properties being excluded from reservation and admitted as enclosures within the reserved forest. Mr. Barlow also claimed to have rights of ownership over the Kokthurai estate (268.79 acres); but as this property does not lie within the

limits of any of these proposed reserves, the claim was withdrawn. Mr. Barlow claimed to have (b) rights of way over seven paths. The claim as of right not having been established was rejected; but the privilege of using six of the seven paths has been conceded to Mr. Barlow on the motion of the District Forest-officer, as by *favor*, the concession being withdrawable at will and not operating as a legal right (*vide* Board's Proceedings, dated 14th July 1886, Forest No. 387). Mr. Barlow also originally claimed (c) to have rights of certain minor easements, but subsequently withdrew the claim which was not admitted. Mr. Barlow (d) also asked, as an *act of grace*, that 2 acres of grass and 0.10 acres of shola might be excluded from reservation and rendered available as an addition to his "Kokthurai Shooting-box" house-site, and that 2 acres of grass and 13 acres of shola might be excluded from reservation and rendered available as an addition to his "Bison Swamp Shooting-box" house-site. The request was communicated for orders with my letter, No. 140, dated 30th April 1886, and was supported by the Board of Revenue in their Proceedings, dated 25th May 1886, Forest No. 287. By G.O., dated 23rd June 1886, No. 512, Revenue (communicated with Board's Proceedings dated 14th July 1886, Forest No. 385), Government sanctioned the exclusion, which has accordingly been made.

6. It will thus be seen that over 93.05* acres included within this proposed reserved forest rights of ownership or occupancy have been established, and that 20.10 acres have, in addition to these 93.05 acres, been excluded from the proposed reserved forests as to be available as additions to certain properties. The subjoined table gives the details regarding these 113.15† acres excluded, at a glance:—

* The 6.30 acres referred to at paragraph 5 (4) must be deducted from the 93.05 acres here referred to.—(Initialled) A.E.C.S.

† This *minus* 6.30 acres above referred to is the correct figure as subsequently ascertained.—(Initialled) A.E.C.S.

Name of claimant.	Area excluded over which rights have been admitted.	Nature of rights admitted.	Remarks.
Lieut.-Col. W. Wilson	3.74	Ownership	Peermund property.
Todas of Nairigulimund.	11.96	Occupancy (for mund site and grazing)	S. No. 195.
Kurandi and Koma Mathan.	19.42	Occupancy	S. No. 48.
	1.35		S. No. 59 A.
	0.54		S. No. 12 E.
	1.03		S. No. 28 C.
	1.60		S. No. 53 C.
	0.43		S. No. 48 B.
	1.35		S. No. 5 D.
Todas of Kolimund	15.25	Occupancy (for mund site and grazing).	S. No. 196.
Todas of Ornemund	19.70	Do.	S. No. 197.
Todas of Thiriyaraimund.	11.62	Do.	S. No. 199.
Hon. Mr. Barlow, C.S.	2.40	Ownership	"Little Bison Swamp" <i>alias</i> "Havelock Shooting-box" and "Kokthurai Shooting-box."
	2.36		
Total	93.05		
Areas excluded from proposed Kundah reserved forest so as to be available as additions to certain properties.	1.00	(Shola)	Excluded so as to be available as additions to Lieut.-Col. W. Wilson's Peermund property— <i>vide</i> Collector's letter, dated 4th December 1885, No. 883, printed with Board's Proceedings, dated 14th January 1886, Forest No. 107.
	2.00	(Grass)	
	2.60	(Grass)	(a) Excluded so as to be available as additions to Mr. Barlow's.
	0.10	(Shola)	(b) "Kokthurai Shooting-box" and "Bison Swamp Shooting-box," respectively, as sanctioned by G.O., dated 23rd June 1886, No. 512, Revenue.
	2.0	(Grass)	
	13.0	(Shola)	
Total	20.10		
Total area excluded	93.05		
	20.10		
Grand Total	113.15		

7. The accompanying map (in three sheets) of the Kundah division shows the positions of the four proposed reserved forests under report. I request that this map may be returned, when no longer required by the Board and Government, to the Conservator of Forests, Northern Circle, who kindly lent it to me.

8. The subjoined table, prepared from a statement furnished by the Survey Department, proves that the total approximate area of these four reserves is 45,621.44 acres, from which must be deducted the 113.15 acres excluded (vide paragraph 6 *supra*), leaving a grand

* The correct figures should be 126.85 and 45,514.59 acres respectively.—(Initialed) A.E.C.S.

total of 45,503.29 acres, or say in round numbers 71 square miles available to be constituted "reserved forest":—

Name of proposed reserve.						Approximate total area.
						ACRES.
1. Kundah	...	...	...	...	...	40,627.63
2. Thia Shola	...	...	...	...	...	1,551.36
3. Mikkeru	...	...	...	...	...	1,267.20
4. Hiriyashige	...	...	...	...	...	2,175.20
Total ...						45,621.44

9. The appended draft notification under section 16 gives the boundaries of these areas and shows the nature of the rights finally admitted. I trust Government will be pleased to direct the publication of this notification at a very early date.

10. A copy of the register of claims, &c., is also forwarded.

Register of claims to lands or rights to forest produce or easements in the proposed Kundah reserved forests, viz. Kundah, Thia Shola, Mikkeru and Hiriyashige.

ENCLOSURE No. 2.

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest Officer's argument and evidence produced by him.	Brief abstract of decision and final disposal of the claims by the Forest Settlement Officer.	Brief abstract of decision, if any, of court of appeal and settlement.	Remarks.
I	Lieutenant-Colonel W. Wilson, of Madras.	24th July 1886.	(a) Rights of ownership over Perumund bungalow and 3.74 acres appurtenant thereto. (b) Rights of way over— (1) Road from Avanebale Halla to Sivaram. (2) Road from Avanebale top to Perumund and Nerrigund. (3) Road from Avanebale top to Perumund and Nerrigund. (4) Road from Avanebale top to Perumund and Nerrigund. (c) Rights to (a) collect dead-wood for fuel in the bungalow and (b) to graze ponies and bullocks free in the neighbourhood of the Perumund bungalow. (d) Right of way over the road from Ootacamund through the Thia Shola reserve; and (e) right of way over the foot-paths passing through parts of the proposed Kundah and Thia Shola reserved forests to the station and from the Thia Shola station to Ootacamund and Ootacamund station. (f) Right of user of water flowing from the proposed Kundah and Thia Shola reserved forests on and over the said Thia Shola estate.	Claim (a) is based on claimant's title-deed (Exhibit A). Claim (b) is preferred as to easements of necessity and as public rights of way. Claim (c) was subsequently withdrawn. Claim (d) is opposed on the ground that Lieutenant-Colonel Wilson has no legal rights to the minor easements which have not become prescriptive against the State. Claim (e) is opposed on the ground that the rights of way claimed as easements of necessity being recognized as such by the District Forest Officer on behalf of the claimant and public generally, these rights will be respected and admitted. The claimant has not attempted to establish his claim to (c) the minor easements as of right, and the claim is therefore rejected.	Claim (a) is not opposed by the District Forest Officer and claim (b) is admitted by the District Forest Officer on behalf of the claimant and public generally. Claim (c) is opposed on the ground that Lieutenant-Colonel Wilson has no legal rights to the minor easements which have not become prescriptive against the State. Claim (d) is opposed on the ground that the rights of way claimed as easements of necessity being recognized as such by the District Forest Officer on behalf of the claimant and public generally, these rights will be respected and admitted. The claimant has not attempted to establish his claim to (c) the minor easements as of right, and the claim is therefore rejected.	Exhibit A clearly establishes Lieutenant-Colonel Wilson's rights of ownership over Perumund bungalow and 3.74 acres appurtenant thereto. It is therefore wholly admitted, and the property is hereby admitted as an easement within the proposed Kundah reserved forest, though being itself excluded from reservation. The rights of way claimed as easements of necessity being recognized as such by the District Forest Officer on behalf of the claimant and public generally, these rights will be respected and admitted. The claimant has not attempted to establish his claim to (c) the minor easements as of right, and the claim is therefore rejected.	Do.	Lieutenant-Colonel W. Wilson has asked that, as an act of grace, the remaining portion of the Perumund shola (1 acre in extent), as also 2 acres of grass surrounding his property, may be excluded from reservation, so as to enable him to round off his property. The District Forest Officer, representing the views of the Collector and Conservator, accedes to his request on condition that Lieutenant-Colonel Wilson applies for the proposed additions to his property, and that Government are pleased to grant the same. Should Government refuse, the 1 acre shola and 2 acres of grass can be added to the reserve subsequently by a fresh notification. On this understanding I direct that the 1 acre of shola and 2 acres of grass in question be excluded from reservation. (Sd.) A. E. C. STUART, Forest Sett. Officer, Nilgiris and Malabar. 29th Sept. 1886. Note.—Sanctioned in G.O. No. 878, dated 6th February 1886, Revenue Department. Demarcated by the Survey Department as settlement Nos. 202 and 203 measuring respectively, Acres 63 and Acres 3.60. (Sd.) J. E. BURNOWS, Collector. 12th August 1886.
II	Messrs. Cowdell and Co., Solicitors, on behalf of Mr. F. D. Parker and Messrs. Winch and Pinedar, proprietors of the Whitbeck estate.	1st Sept. 1886.	(a) Light of way over the road from Ootacamund through the Thia Shola reserve; and (b) right of way over the foot-paths passing through parts of the proposed Kundah and Thia Shola reserved forests to the station and from the Thia Shola station to Ootacamund and Ootacamund station. (c) Right of user of water flowing from the proposed Kundah and Thia Shola reserved forests on and over the said Whitbeck estate.	All three claims are preferred as to easements of necessity.	The District Forest Officer does not oppose any of these claims, but stipulates, with respect to (c), that Government shall have full control over the water in the proposed reserve.	The claims are admitted as the rights of way are necessary to permit of entrance to and egress from the Whitbeck estate, and as the proprietors of that estate have a right to the user of the water at present flowing on and over their land. The latter right is admitted, subject to the ordinary rights and obligations of riparian proprietors, Government having full control over the water in the proposed reserve. (Sd.) A. E. C. STUART, Forest Sett. Officer, Nilgiris and Malabar. 29th Sept. 1886.	Do.	

Register of claims to lands or rights to forest produce or easements in the proposed Kundah reserved forests, &c.—continued.

6

12TH NOVEMBER 1886, Nos. 978, 978A, REVENUE.

No.	Name of claimant.	Date of presentation of claim.	Nature and extent of claims preferred.	Brief summary of evidence adduced in support of claims.	Brief summary of District Forest Officer's argument and evidence produced by him.	Brief abstract of decision and final disposal of the claims by the Forest Settlement Officer.	Brief abstract of decision, if any, of final appeal and settlement.	Remarks.
III	The Tolas of Narayana, and (2) Koma, Madhavan, and (3) K. Narayan.	5th Oct. 1885.	Rights of occupancy for mud site and for grazing purposes over S. No. 123 (11-55 acres) and S. No. 43 (19-72 acres).	The claimants rely on exhibits A and B, which are Tola puttas.	The claim is admitted by the District Forest Officer, who argues that the lands in question are situated within the proposed Kundah reserved forest.	The documentary evidence adduced by the claimants is wholly established, to the extent indicated in the puttas and subject to the conditions specified therein. In these it is recorded that the lands have been reserved for mud site or grazing purposes only. The Tolas have no right to sell or lease the lands or to fill the shola and well the wood. If any part of the shola is filled or any part of the land sold or leased, it will be at once assessed at Rs. 1,000 per acre, for mud site or grazing purposes only. S. No. 123 and 43 are situated within the proposed Kundah reserved forest, though being themselves excluded from reservation.	Nil	
IV	(1) Kurum- Al and (2) Koma, Ma- than, Putta- dars of Mah- kunda vil- lage.	Do.	Rights of occupancy over— S. No. 59-A (1-25 acres), S. No. 12-E (0-61 acres), S. No. 28-C (1-03 acres), S. No. 53-C (1-60 acres), S. No. 48-B (0-43 acres), S. No. 6-D (1-35 acres).	The claimants rely on their putta (exhibit A).	The claim is not opposed by the District Forest Officer, who argues that the holdings be admitted as enclosures within the proposed Kundah reserved forest.	Exhibit A fully establishes the claimants' claim, which is wholly admitted. The lands will be admitted as enclosures within the proposed Kundah reserved forest, though being themselves excluded from reservation.	Do.	NOTE.—The recently published maps of Madhunda village show that these survey numbers fall outside the limits of this proposed reserve; consequently they will in no way be affected by this settlement. (Sd.) A. F. C. STUART, Forest Settlement Officer, Nilgiris and Malabar. 26th Aug. 1886.

12TH NOVEMBER 1886, Nos. 978, 978A, REVENUE.

7

V	The Tolas of Kilmund, represented by their head man Kilmund.	Do.	Rights of occupancy for mud site and grazing purposes over S. No. 186 (area 16-25 acres).	The claimants rely on their "Tola putta."	The claim is admitted by the District Forest Officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	The claim is wholly admitted to the extent indicated in the putta and subject to the conditions specified therein, viz., the land has been granted for mud site or grazing purposes only; that the Tolas have no right to sell or lease the land or to fill the shola and well the wood; that if any part of the shola is filled or any part of the land is sold or leased, it will be at once assessed at Rs. 1,000 per acre per annum. S. No. 186 (16-25 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation. (Sd.) A. F. C. STUART, Forest Settlement Officer, Nilgiris and Malabar. 26th Oct. 1885.	Do.	
VI	The Tolas of Kilmund, represented by their head man Kilmund.	Do.	Rights of occupancy for mud site and grazing purposes over S. No. 197 (19-70 acres).	The claimants rely on exhibit A, which is a Tola putta.	The claim is admitted by the District Forest Officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	The claim, being established by the putta and subject to the conditions specified therein, which are identical with those entered in all special Tola puttas. S. No. 197 (19-70 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation. (Sd.) A. F. C. STUART, Forest Settlement Officer, Nilgiris and Malabar. 30th Oct. 1885.	Do.	
VII	The Tolas of Kilmund, represented by their head man Kilmund.	Do.	Rights of occupancy for mud site and grazing purposes over S. No. 199 (11-62 acres).	The claimants rely on their Tola putta and on the fact that the land has been specially set apart as poramboke for the Tolas to perform their funeral ceremonies thereon.	The claim is admitted by the District Forest Officer, who argues that the holdings be admitted as an enclosure within the proposed Kundah reserved forest.	The claim, being established, is wholly admitted to the extent covered by the putta and subject to the conditions specified therein, which are identical with those entered in all special Tola puttas. S. No. 199 (11-62 acres) is admitted as an enclosure within the proposed Kundah reserved forest, though being itself excluded from reservation. (Sd.) A. F. C. STUART, Forest Settlement Officer, Nilgiris and Malabar. 30th Oct. 1885.	Do.	

ENCLOSURE No. 3.
STATEMENT showing particulars of forests proposed for reservation, those reserved or under settlement, as compared with total areas of nāl in which they are situated.

1	2	3			4	5			6	7			8	9					
Nal in which situated	Total area of nal.	No.	Name of the reserves.	Forest.	Grass, scrub, &c.	Total.	Name of the reserves.	Forest.	Grass, scrub, &c.	Total.	Ratio of columns 6 to 2	No.	Name of the reserves.	Forest.	Grass, scrub, &c.	Total.	Ratio of columns 7 to 2	Ratio of columns 3, 5 and 7 to 2.	
Kundah nal..	64,944	1	Kundah	13,439-00	27,051-83	40,520-83													
			Thia Shola	1,103-00	288-28	1,451-36													
			Mikteru	311-00	632-20	1,297-20													
			Hiriyashige	1,687-00	1,088-20	2,175-20													
			Total	15,312-00	39,201-63	43,514-69												7:10	

ENCLOSURES Nos. 4 to 6.—Sketch map of the Kundah division in three parts.

ENCLOSURE No. 7.—Draft notification.

Endorsement by J. S. GAMBLE, Esq., Conservator of Forests, Northern Circle, dated Ootacamund, 1st September 1886, No. 1304.

Forwarded to the Board of Revenue for favorable consideration. The papers have been delayed, in order to ask the Forest Settlement-officer to alter the boundary descriptions so as to agree with the lately-published village maps, and this has now been done.

Resolution—dated 5th October 1886, Forest No. 523.

The draft notification, under section 16 of the Forest Act, relating to the four proposed reserves in the Kundah division will be submitted to Government for approval and publication in the *Fort St. George Gazette*.

2. The Board recommend that the 1st December 1886 be fixed as the date from which the reservation shall take effect.

3. The area of the above reserves as settled for final reservation is 45,514-59 acres as shown below:—

	ACRES.
Area notified under section 4	45,621-44
Extent of private holdings, &c., excluded at settlement by the Forest Settlement-officer before receipt of the newly-published village maps	113-15
Balance	45,508-29
Add—Extent of the lands of the two claimants in claim No. 4 which was originally excluded, but subsequently found to be outside the reserve	6-30
Total	45,514-59

The extent (45,508-29 acres) entered in the statement of area will therefore be altered correspondingly.

(True Copies and Extract.)

(Signed) H. A. SIM,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department,
with a draft notification, and the Kundah map
in three parts (to be returned).

Copy to the Conservator of Forests, Northern Circle.
" " Collector of the Nilgiris.
" " Conservator of Forests, Southern Circle.
" " Examiner of Forest Accounts.

ORDER—dated 12th November 1886, No. 978, Revenue.

Forests, No. 123.

The draft notification is approved and will be published in the Fort St. George and the Nilgiri District Gazettes, the 1st January 1887 being entered as the date on which the notification shall come into force.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue, with three maps returned.
the Superintendent, Government Press.

No. 978A,

Copy to the Government of India, Revenue and Agricultural Department (Forests).

(Signed) J. F. PRICE,
Ag. Secretary to Government.

NOTIFICATION.

His Excellency the Governor in Council of Fort St. George is pleased to notify, under the provisions of section 16 of the Madras Forests Act (V of 1832), that the areas described in the accompanying schedule which, in notification No. 139 published in the *Fort St. George Gazette* of the 19th May 1835, it was proposed to constitute "reserved forests" under the Act, will be reserved forests from the 1st January 1837.

Schedule.

No.	Dis- trict.	Sub-division.	Name of Forest.	Boundaries.	Remarks.
1		Nilgiri.	Kundah Division, Mulligur and Melkudah village.	Kundah.	<p>The following holdings are included within this reserve; but as private rights have been established over them, they are admitted as enclosures, being themselves excluded from reservation:—</p> <p>(a) "Peermund bungalow" (and 3.74 acres appurtenant thereto, forming settlement No. 198, Mulligur village) over which rights of ownership have been established by Lieut.-Colonel Wilson.</p> <p>(b) "Little Bison Swamp" <i>alias</i> "Havlock shooting-box" (and 2.40 acres appurtenant thereto, forming settlement No. 260, Mulligur village) and "Kokthurai hut shooting-box" (and 2.36 acres appurtenant thereto, forming settlement No. 89 Melkudah village), over which rights of ownership have been established by the Honorable Mr. R. W. Barlow, C.S.</p> <p>(c) Mulligur village settlement No. 195 (area = 11.96 acres) and settlement No. 48 (area = 19.72 acres), over which rights of occupancy (for mund site and grazing purposes only) have been established by the Todas of Narigulimund.</p> <p>(d) Mulligur village settlement No. 196 (area = 15.25 acres), over which rights of occupancy (for mund site and grazing purposes only) have been established by the Todas of Kokimund.</p> <p>(e) Mulligur village settlement No. 197 (area 19.70 acres), over which rights of occupancy have been established by the Todas of Onnemund.</p> <p>(f) Mulligur village settlement No. 199 (area 11.62 acres), over which rights of occupancy have been established by the Todas of Kanamun and Thiriyarimund.</p> <p>2. The following areas have also been excluded from reservation:—</p> <p>(a) 2 acres of grass and one acre of shola adjoining Peermund bungalow.</p> <p>(b) 2 acres of grass and 10 cents of shola adjoining "Kokthurai hut shooting-box" property.</p> <p>(c) 2 acres of grass and 13 acres of shola adjoining "Bison Swamp shooting-box" property.</p> <p>3. The following rights of way have been admitted:—</p> <p>(a) Road from Avalanchy Halla to Sispara.</p> <p>(b) Path from Avalanchy top to Peermund <i>via</i> Narigulimund.</p>

Schedule—continued.

No.	District.	Sub-division.	Name of Forest.	Boundaries.	Remarks.
1		Kundah division, Mulligay and Melkandah villages—continued.	Kundah—continued.		(e) Path from Avalanchy top to Peermund, via Bear Hill and Anikal. (f) Path from Avalanchy top to Peermund, via Bear Hill, Kokthurai and Onnamund. (c) Road from Ootacamund to the Whitebeck estate. [Note.—This passes through part of the Thia Shola reserve.] (5) Foot-path to and from the Whitebeck estate to Woodleigh, Carrington, and Ooliant estates. 4. The right of user of water flowing from the Kundah and Thia Shola reserves on and over the Whitebeck estate has been secured to the proprietors of the Whitebeck estate, subject to the ordinary rights and obligations of riparian proprietors. Includes the great Thia Shola forest and the abandoned Government Melkandah Cinchona Plantation. The following rights of way has been admitted:— Road from Ootacamund to the Whitebeck estate.
2		Kundah division, Melkandah village.	Thia Shola	North.—Kokthurai, Whitebeck, and Thia Shola estates. East.—A line drawn from the south-western point of the Thia Shola estate in a southerly direction to the northern boundary of the abandoned Melkandah Government Cinchona Plantation; then along the northern, eastern, and southern of the same to the Carrington estate; then the Carrington and Woodleigh estates to the most southern point of the latter; then a line along a ridge in a south-westerly direction to the Malabar district boundary. South.—The Malabar district. West.—The Kundah reserve. North.—The abandoned Government Melkandah Cinchona Plantation. East.—A line from the south-western corner of that plantation to the top of the ridge of that plantation; then a line No. 131 (Kinnakore); then Nos. 1, 2, 3, 4, 5, 6, 135, 134, to the south-western corner of the last field; then a line south-west to the Malabar district boundary.	
3		Kundah division, Melkandah village.	Mikkere.	South.—The Malabar district. West.—The Thia Shola reserved forest and the Carrington and Woodleigh estates. North and East.—The Kundah river. South.—The Malabar District and Kinnakore estate Nos. 6-A and 5, Kinnakore village. West.—The Kinnakore estate No. 3-A, then 135-A, then the bridge-path from Kinnakore to Kilkunda till it meets 317-1 (Kilkunda village), then 317-1 to the Puzhambakalla, then across that stream to the southern corner of 311-B, then 311-B, 239, 238, and then a line northeast along the shola to the Kundah river.	
4		Kundah division, Melkandah and Kinnakore.	Hiriyavaiye.		

Note N^o 1. Kundah block, with certain other blocks, has been formed into and designated "the Kundah reserve."
vide memo 5746 of 1874.

Exd. C. Freeman.

12 3-18
21-4-19
10/5/28

Original
Govt. of (1886) Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 12th November 1886,
Nos. 978, 978A.

NOVEMBER.

Reserved Forests.

Notification, under section 16 of Act V of 1892,
for constituting certain areas in the Kundahs as
—, approved and ordered to be published in
the Fort St. George and the Nilgiri District
Gazettes.