M.S.O. I—5,006—16-10-50.

(1) Number of pages

(2) Date of repair

(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

DEPARTMENT

G.O. No.	1361	Press
B.P. No.		Mis.
Dated	23-10-1974	195 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 23rd October 1874.

Read the following papers :—

No. 282. Proceedings of the Board of Revenue, dated 21st March 1871, No. 1,222.

Read the following letters :—

From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Secretary to the Board of Revenue, dated Mangalore, 9th January 1868, No. 24.

I HAVE the honor to seek the instructions of the Board, with reference to a question contingent on their Proceedings, dated 12th September 1864, No. 5,957.

2. The order appears to refer only to the house-sites of farm-servants and under-tenants, concluding that there would be few, if any, other houses on kumaki lands; whereas there are exceptional cases of whole streets of out-siders' houses built in rising towns on lands claimed as kumaki.

3. Am I to deal with these exceptional cases under the general rule referred to, or should I deal with them exceptionally, making the house-holders the direct tenants of Government?

4. It may fairly be anticipated that, in process of time, the effect of an increase of trade and of the nonagricultural population will be to increase the number of these exceptional cases.

5. Already I am defendant in a suit in which the plaintiff, as wargdar, has claimed by right of kumaki to stop the increase of the village of Pane-Mangalore. A long row of houses is built on both sides of the Imperial road to Mercara close to the ferry and the salt cotaurs; but he lays claim to about half of the rising town and sues me for allowing people to build there.

6. The rising town of Brahmavar is a similar instance. Shops and warehouses have been built on what was supposed to be Government ground, but having been found to be situated within 100 yards of a warg they have been entered, under the above-quoted order of the Board, in the names of the wargdars, and the owners complain bitterly at finding themselves transferred from the position of land-holders direct from Government to tenants-at-will of the wargdars.

7. The object of kumaki is leaves and grass for cultivation, and not a quit-rent from streets of houses, together with a power to restrict the increase of a town or the widening of a street. It has also always been treated as a privilege and not as a right; whereas, if the Board's order is to be understood as it has been, the distinction between privilege and prescriptive right will become so subtle as to be in danger of being shortly lost sight of.

8. It is inexpedient that the privilege should be conceded in cases in which it is directly opposed to the general good by impeding the improvement of a town and the progress of trade. In the Mangalore town, for instance, none of the wargdars have any kumaki lands. It would be preposterous if they had, and in lesser towns it is objectionable, in a minor degree, that they should be able to push to the extent of general obstructiveness the privileges of kumaki.

9. I beg to suggest that, while carefully guarding for the ryots their conceded privileges in kumaki, and assessing the houses of farm-servants and tenants and other isolated squatters, as directed in the Proceedings under reference, the Collector should be allowed to exercise a discretion in confining the privilege within due bounds when found to be opposed to the general good.

10. Cases will arise in which for the immediate and pressing wants of [illegible] necessary to relieve Kumkis from [illegible] restrict them to a distance of six or [illegible] Collectors have exercised such a discretion; [illegible] Board in Proceedings under remark directed [illegible] discretion in future.

From Major R. H. BEDDOME, Officiating Conservator of Forests, to the Secretary to the Board of Revenue, Head-quarters (Coimbatore), July 15th, No. 810.

Mr. H. S. Thomas, the Acting Collector of South Canara, has forwarded a copy of his letter to the Board on the subject of the Government reserves in his district. I have the honor to submit my views on the subject to the notice of the Board.

2. The kumkis are intended to supply the wargdars with fuel, charcoal, firewood, timber, and [illegible] of the best timbers are reserved [illegible] these upon payment of the Government [illegible] timbers, but no cancel for any timber [illegible] allowed to cut down [illegible] district the kumkis are not [illegible] parts, they are far more than [illegible]

3. The Acting Collector [illegible] to the reserved timbers in [illegible] acre upon all kumki lands. I believe that the result of this would be to make every wargdar, who holds a surplus amount of kumki land, [illegible] and a firewood contractor and there would be no [illegible] exporting both timber and fire-wood to Europe and elsewhere by sea. Almost throughout the district the only valuable timber is on the [illegible] which are often dense forest of evergreens; the former [illegible] valuable the timber, and the wargdars [illegible] ruin our market, and a great evil would be that these tracts would be denuded of timber, whilst the larger forests of the district could not be worked except at a loss.

4. I see no objection to the proposal that kumkis may be [illegible] the wargdars wish it, provided that, as hitherto, they intimate to our department what they intend felling the reserved timbers and allow us to mark the trees and receive the seigniorage prior to their being cut. In places where there is a large surplus amount of kumki the wargdars would hardly wish to [illegible] is amply sufficient for their wants, and the residue would revert to Government.

5. In paragraph 34 of his letter the Acting Collector much exaggerates the effects of the Government reservation. I suppose, however, that he only means to put forward a possible case. I need hardly state that our department does not cut down a tree planted by ryot or his ancestors, or in any way interfered with any regular plantations. The kumkis are often dense tracts of indigenous forests, but we do not interfere with them beyond charging the wargdar seigniorage when he fells the reserved timbers for his own use, and preventing him from felling other timbers for sale or for export (teak and [illegible]). Our department do not fell these reserved timbers in kumkis for sale, though they are the property of Government; but where kumkis are of much extent and contain more than sufficient for all the requirements of the wargdar, these timbers are occasionally cut for the use of Government departments, but even this is done with caution, and would not be attempted in localities where there is only sufficient for the wants. This was the rule of the late Collectors Mr. Morris and Mr. Cadell, and has always, I believe, been strictly acted up to by our department.

6. With regard to the fire-wood trees, I would observe that when we handed over to the Collector some few years ago, because at that time there was only an Overseer in charge of our department in this district; but Dr. Cleghorn was of opinion that they should be retained by our department in the event of an officer being appointed. South Canara is a most extensively-wooded country, and, from the great humidity of its climate, the growth of trees is most rapid. With good management fire-wood should be very cheap, and there should be a considerable revenue from the export of the article. At present, though it is very cheap and abundant in most parts of the district, it is dear at Mangalore and some of the large towns on the coast. This is partly to be attributed to the large export-trade in the article and partly to the want of a proper establishment to supervise the fire-wood tracts and to check haphazard felling.

7. With certainty of railroad extension at no very distant date, and taking into consideration the great export-trade, the fire-wood tracts of this district are of great value; and I am of opinion that they should be under the special department with a regular organized establishment. When they were lately handed over to the Revenue authorities the services of several duffadars, etc., were dispensed with; but, if our department resumed charge, a proper establishment might be at once organized. If under the Revenue authorities there are two separate establishments working for one object in the same district, which must cause jealousy and clashing. If the Collector happens to take a special interest in this particular branch, things may go on well; but if the Collector takes little or no interest in the forests, and is not constantly through the jungles as our departmental officers are obliged to be, the whole supervision is left to the native Revenue authorities, and they either embark in timber-trade themselves, or make a large profit by winking at smuggling and the non-observance of conservancy regulations. This has been exemplified in many districts in our Presidency, and most of our officers complain that it is the chief drawback to conservancy.

8. Mr. Thomas, I think, under-rates the value of fences in fuel-reserves; these will, however, I think, only be required near Mangalore at present.

9. The plan of selling certain blocks standing and allowing them to be cleared by contractors under the control of the Forest Establishment, and preventing indiscriminate felling over large tracts at once and the same time, is a very good one. The blocks when cleared can be resumed charge of by the department and renewed partly by planting and partly by reproduction.

10. In paragraph 8 Mr. Thomas assumes that all trees will grow from coppice, and advocates broad-cast sowing. Most of our trees will reproduce well

from coppice if cut young or at middle age, but cannot [illegible] any value; if felled as old trees or even at their prime [illegible] duce at all, and others only under favourable circumstances. I [illegible] much attention to this point in connection with over-[illegible] data on the subject. The coast districts [illegible] and in our Presidency where we have [illegible] and regular planting are adopted and more [illegible]

From H. S. THOMAS, Esq., Acting Collector of [illegible]
Secretary to the Board of Revenue, [illegible]
No. 827,

I HAVE the honor to send the [illegible] supply of fire-wood and [illegible]

2. They are subjects the importance of [illegible] as I arrived in the district, [illegible] naturally after reading a report of the [illegible] to a conclusion and summarise a proposal.

3. They are also subjects which I [illegible] they affect the same class of lands and seem to require [illegible]

4. The annual rise in the price of [illegible] has, in spite of its forests and their [illegible] that it has not only kept pace with [illegible] but has already doubled the price [illegible] at work, and more may be anticipated so that the [illegible] which already presses heavily on the middle [illegible] burdensome. Though Malabar is rich in wood supplies [illegible] with this district in the north, the annual [illegible] and above the consumption in the district itself [illegible] to Bombay, the demands of which place are [illegible] carriage is easy. When it is remembered that [illegible] the Madras and Beypore line of rail to Calicut [illegible] the Malabar competition will be withdrawn and taken in that direction. A railway from Hoobloo to Carwar may also be looked for at no distant date, and with it will come the diversion of much of the aid which North Canara has given to the scarcity of fire-wood supply. Added to this, I believe I am correct in stating that [illegible] steam-engines for saw-mills and other purposes are [illegible] Bombay, and one, I know, is to make its appearance in Mangalore very shortly. The increasing cost of thatch-grass and the want of it for [illegible] ing the consumption of fuel in tile-burning. Daily [illegible] the day among all the wealthier classes.

5. Such a wide and ever-increasing demand cannot [illegible] of which the reproductive powers are not carefully husbanded; and here, as elsewhere, the reproductive powers, though exceptionally efficient, have not been husbanded but by the usual short-sighted process currently kept under.

6. First came the general pillage, then the more organised license system, now happily exploded; and then other systems which effectually cleared the woods

and temporarily supplied the market; but, as they were none of them followed by a thorough conservancy, the ever-lively hope that the cleared woods would recover themselves was ever doomed to be disappointed. The cattle naturally loved the tender shoots bursting from the stumps, the cultivator systematically sought and cut down the same for leaf-manure, and, further, could not resist the temptation to exhume and use the very roots for fire-wood. In this last process the energetic Moplah fire-wood vendor was not slow to help him. General orders to the Police and village authorities, though backed by rewards to informers and criminal prosecution for delinquencies, failed to have more than infinitesimal influence. The ox and the man have equally an unreasoning and irresistible instinct for helping themselves, and nothing but a stout fence and a good watch will keep them both out. Nothing I hold but thorough conservancy is of any practical use.

7. Mr. Dykes's preserve at Nellore is an exceptional case. The spot is extensive, uninhabited except by a few antelope, and close under his own and other European eyes at headquarters. But that it is either possible or desirable that the Collector's influence should be sufficient protection from both man and beast throughout the whole length and breadth of a district I cannot think. Moreover, the leaf-manure mania is not so developed in other districts as it is here.

8. While more than agreeing with Mr. Dykes in his principle also advocated by Mr. Arbuthnot and upheld to great length by Darwin,* that the stumps of trees maintain their vitality for many years and are ready to re-assert themselves directly they are allowed to do so, I am still of opinion that, to be able to do so, they must be thoroughly protected from the trampling, browsing, and cutting of cattle and men, and this with the aid of a little ploughing and broad-cast sowing, is what I mean by thorough conservancy. The necessity for thorough protection is urged by Dr. Cleghorn in paragraph 3 of his letter, No. 323, dated 19th October 1867, which is an enclosure to Proceedings of the Board of Revenue, 17th June 1868, No. 1,172.

* "Origin of species."

9. With thorough conservancy, the liberality of the rainfall and the luxuriancy of vegetable growth in the humid heat of the Western Coast are such as to make this district a peculiarly favorable one for the growth of fire-wood. My predecessor, too, was much interested in the capabilities and requirements of South Canara in this respect, and saw in them the promise, if properly managed, of much wealth.

10. The question then arises how can they best be managed. For clearing and bringing to market various means have been employed. In Mr. Morris's time, the Forest Department did it under the license system; Mr. Cadell did it entirely by Government agency. In North Canara the wood is felled under Government superintendence and brought to market by contractors. My plan has been to sell a standing lot by auction, and to assign the purchaser a fixed time for removing and selling on his own account.

11. This is, however, a minor matter. The main difficulty is real, not nominal, conservancy. I do not find that the Forest Department or any Collector of this district have done otherwise than trust to the Government name being sufficient protection to enable the demolished forest to re-assert itself; yet I venture

18. I would propose that ten years' grace be given, and that a light assessment of 2 Annas an acre be then imposed conditional on the land being given up for cultivation when so required, with the option of retention of full assessment from such time.

19. What the full assessment eventually obtainable would be should be settled at the outset in the manner usual for arable lands, so that no uncertainty would be hanging over the fire-wood speculator; but he would know from the commencement the worst process that the fair competition of the plough could, in the lapse of time, put upon him,—the highest price, in fact, that he could ever be driven to pay for undisputed possession.

20. The advantage of the intermediate low assessment of 2 Annas would be that the hitherto waste land would not be driven to bear the full assessment till the competition of the cultivator consequent on the extension of cultivation gave us a sure indication that the time had arrived when, for equality sake, the same assessment should be laid on fire-wood as on arable lands, and till that time arrived the lands instead of lying waste would be profitable to Government and be undergoing a natural process of fertilisation.

21. To guard fire-wood growers from purely vexatious applications to cultivate,—applications made simply with a view to compel him to pay the full assessment or resign the land which the applicant never meant to take up for cultivation for more than one year just to gratify some private spleen,—I would provide that the applicant should give three full months' notice, so as to admit of their holder making arrangements for the sale of his standing crop of fire-wood, and should first reimburse him his outlay on fences which would be calculated at one Anna per running yard. Such reimbursement would not act as a prohibition against the applicant, for the walls would be equally required by him in cultivation.

22. I would assign the same term of grace and the same land-tax on sea-sand lines suited to the growth of Casuarina; but I would do away with the condition, for such lands could never be fit for the cultivation of any other products than cocoa-nut or oil-trees (honne), and for the former they would have only been rendered fit by the fertilising process of the continual shedding of leaves, and such fertilisation would not in a made topa be natural, but the return of capital. Ten years is a long enough period of grace in this damp climate.

23. When the right of clearing standing Government fire-wood jungles is sold by auction, and the purchaser desires not to clear within a certain specified time and then resign, but rather to retain and thin from time to time, then I would at once commence the imposition of the 4-Anna assessment without any period of grace, as he would be enjoying peculiar facilities for replenishing an already made jungle, as well as the liberty to clear and utilise at his own leisure.

24. If before bringing such fire-wood coppices to sale it is incumbent on me to assign a free wood to each village, then that must be done first. But as they already have their kumaki,—a privilege peculiar to this district,—I do not see that they have any claim to an additional allotment. It is true that some have very little kumaki, and some have really none, but they all had it originally, and if they have encroached on or destroyed it even when they had an individual interest in it, I do not see that they have any claim to ring the changes on any more Government woods.

survey appears* to be no nearer introduction than it was then; and it seems undesirable to postpone the consideration of important matters to such an indefinite period. Moreover, no end is gained by their further postponement, while there is no difficulty in the way of their early introduction, and much good may be expected therefrom.

31. I have made many and careful inquiries, and am satisfied it would be generally considered a great boon to be allowed to enclose kumaks permanently, and to have an exclusive property in the reserved sorts of timber on a payment of 4 Annas an acre.

32. The concessions proposed are really so exceedingly small that it may seem strange that they are so much desired; but the truth is that they are the only remaining restrictions, the removal of which would convey that "magic of property" which it is said "converts sand into gold."

33. I would not make the payment compulsory lest there should be ground for an outcry about infringement of long-standing privileges, but optional. Those only who wished to secure these two additional concessions need apply to be taxed. I am satisfied that the desire to secure such rights at such a cost would be very general, and that a large increase of revenue, with the long-desired feeling of stability and freedom from interference, would be the immediate result to the Government and the ryot.

34. The Government reservation, at present maintained, opens the way to continual and grievous heart-burnings. A ryot has raised or received from his father's care fine large jack trees, for instance, that yield leaves for his cattle and fruit for his family; but the Forest Department† and now the Public Works Department also can at any time step in, cut it down close to his door in the ground over which he has in all other respects enjoyed an exclusive right, and carry it off without giving any return for his long tending, and, what really sometimes troubles him more, without any regard for his plea to "spare that tree." Then, again, if he himself wants one of the trees of his own rearing in his own kumaki for the repair, perhaps emergent, of his house, and if, instead of seeking out the distant forest officer, and waiting till it is measured and the seigniorage at so much per candy settled and paid, he is rash enough to cut it down at once, he is, if detected, prosecuted criminally, and as he not unfrequently is not detected, the definition of his rights in this matter grows indistinct in his own and his neighbors' eyes, and one cuts down everything he fancies, and another fears to touch a tree growing even on his assessed land. Thus the heart-burnings and uncertainties are much felt, and I am sure that it would be considered a great relief to get rid of both by the payment of a light assessment.

35. It is true that, in the neighborhood of the coast, the only good timber in the country is to be found in the kumaki lands of the cultivator, and that in giving up this last reservation on the kumaki lands Government would be making a considerable sacrifice. But I think it would be a wise one and in the end a lucrative one to Government, as well as an advantageous one to the cultivator and eventually a benefit to the timber-trade. The mere fact that timber-trees have disappeared from all those lands that were under the general protection of Government, aided

* Board's Proceedings, 8th January 1861, No. 85.

† G. O., 9th January 1868, No. 75, Revenue Department.

by its Collectors, Maistrams, Peons, &c. [illegible]
remained only where they enjoyed the [illegible]
an unimpeachable evidence who are [illegible]
If the ryots have taken such effectual [illegible]
right to them on a fixed assessment, and [illegible]
inroads of cattle by anything better [illegible]
admitted by enforcement that [illegible]
more may they be expected [illegible]
full property in them, and the liberty to [illegible]

36. I am sure the Government would [illegible]
assessment per acre all round would [illegible]
obtained on settled rents. The Government would [illegible]
those who could do it much better than [illegible]
drawing of timbers, and would by the [illegible]
to buy when it wanted.

37. Lest I should be misunderstood, I [illegible]
the kumki lands, and have no [illegible]
Department in the forests which [illegible]

38. I look upon the much-praised [illegible]

* Proceedings, Board, 17th November 1870, No. 6,308, paragraph 4.
Proceedings, Board, 14th August 1867, No. 5,003, paragraph 4; also paragraph 2 of 3rd enclosure.

estimated by experienced native authorities to be an average proportion of not more than 30 per cent. to the cultivated lands. Though [illegible] unequal, being in some instances much more ample and [illegible] exceptional cases even without reference, still [illegible] repeated encroachments, and can only be considered [illegible] them, however, as on the whole the utmost [illegible] circumstances to an allotment of waste equal to 50 [illegible] would seem to follow that the allotment contemplated in Board's Proceedings, 12th November 1867, No. 7,381, paragraph 2, need not be made in this district. [illegible] they are used chiefly for the growth of timber, fuel-wood, leaf-manure, and thatching grass rather than pasturage, and as cattle have to be carefully excluded from them for the protection of the tender saplings, I would desire to control [illegible] practice there properly, though not [illegible] legent than as an equivalent for pasturage. Taking this view I would, except in jungly tracts, resist [illegible] claims to further forest privileges, and would assign a common pasture ground to each village of the desired dimensions.†

† 1. Sections 10, 12, and 14 of Forest Conservancy Rules sanctioned for South Canara in G. O., 20th May 1865, No. 1,046; Revenue Department.
2. Board's Standing Circular, No. XII. of 1865.
‡ Board's Proceedings, 12th November 1867, No. 7,381, paragraph 2.

39. Such allotments having been made, I would withdraw all restrictions on the increase of cultivation. In the correspondence marginally noted, it was proposed to refuse all applications for ploughing grass lands under the plough, and Mr. Morris's prohibitory rule has since been maintained as strictly as possible. But it lays upon the divisional officer the very difficult task of deciding, with reference to each separate village, whether cultivation has extended itself up to or beyond its just limits. In my opinion it is a matter no mortal can fairly suppose a matter that should be left to right itself. In every case the agriculturist must be the best judge whether it will pay him best in his particular position to graze and breed his own cattle, or to break up all his pasture land and buy his cattle; whether it will pay him best to grow his own leaf-manure and make his own coverings, or to use guano or other imported manure. If the Indian ryot is short-sighted as every farmer of every creed and color always has been, nothing but the pressure of circumstances will make him wise. No administrator can lay out his farm for him duly apportioning his pasture and arable land. Even if we could, I think it is very questionable whether it would be wise to do so. The general opinion of authorities on the subject is that a small breeder, unless he be a fancier, is a bad breeder. That it is much better that breeding should be left to those who have peculiar facilities for it, and that it is a mistaken policy to endeavor to bolster up those who have not. I go so far as to question whether even the commons which we still have in England, and which it is proposed* to introduce into India, are not a relic of short-sighted protectionist views. But after admitting these commons and assigning them, I think it a mistake to lay any further restrictions on the extension of cultivation. I seek permission, therefore, to cancel that Circular Order of Mr. Morris, and, after assigning the required plot of common for pasturage in each village, to accept unreservedly all subsequent applications for land on full assessment.

* Board's Proceedings, 12th November 1867, No. 7,381, paragraph 2.

Board's Miscellaneous Circular, No. LXI of 1863.
Do. do., No. LXV I, of 1863.
Reply to the above, 4th December 1863, No. 224, paragraphs 1 and 2.

40. But after the common has been set apart, and the immediate demands of cultivation have been satisfied, there will still remain in some parts a large quantity of grass land. The common grass (Muli-hullu) of the laterite soil is greatly in demand for dry fodder, bedding, and particularly for thatching. Large areas are, however, annually destroyed by casual fires accidentally lit by travellers passing from village to village at night with spark-dropping fire-sticks. Such fires spread for a mile or more, and nothing but a wall will stop them. People do not, however, enclose these thatch-grass lands, because they could not bear the full assessment. If, however, a moderate grass-tax were laid on them, pending their being required for cultivation, large areas now yearly wasted would be utilised by the ryot. I would propose the same rule and the same conditions as I have suggested for fire-wood.

41. I have given the subject some attention, and my inquiries satisfy me that the introduction of these rates for fire-wood, kumaki, and grass will be a great boon to the cultivator, an equal advantage to the country generally, and a source of very

considerable time that I consider it necessary to answer the objections.

42. It only remains to state that I have not thought it necessary to bring the proposal before

43. [illegible] I would remind you that the Government [illegible] of the private individuals [illegible] revenue.

44. The proposal [illegible]

45. The [illegible] Conservancy Establishment [illegible] of two local provinces. [illegible] The effect of these rules will be [illegible] out of my hands and I [illegible] tion of any plan, that the [illegible] mere observance of [illegible] action being [illegible] been a deadletter. I may be thought over-suspicious, but I propose will be as generally [illegible]

* Averaging 150 trees per annum.

exceptionally and [illegible] liberal and are not [illegible]

45. In the hope that the Board will approve of the principle advocated, I have [illegible] draft rules, which I submit for approval, and that the Board [illegible] of these officers in the [illegible] Board to be submitted to the Board. But as many of these details [illegible] with me, and the orders as [illegible] clearly, I see no way of so doing [illegible] my proposals as to present them to the Board with the approval of both. I have, therefore, submit them as I originally drafted them, together with remarks on the Acting Conservator's objections, :—

46. In weighing the merits of the principle involved in my proposals, departmental considerations should, I venture to think, be put out of the scale as of very minor importance, the first question being whether it will be best for the forests and fire-wood preserves, the Government, and the public to create individual interests, or maintain direct Government management, and the very secondary consideration being which department is in the best position to carry out the measures decided on. I cannot but think that the Acting Conservator's objections are based chiefly on departmental considerations, which I would far rather yield

† Continued.

42. Having written thus far, I forwarded a copy of the draft to the Deputy Conservator of Forests, and requested him after consultation [illegible] with the Conservator to favour me with his views, my desire being to obtain the advantage of their advice, and I had hoped [illegible] concurrence of these officers in the proposals to be submitted to the Board. But as many of these details [illegible] with me, and the orders as [illegible] clearly, I see no way of so doing [illegible] my proposals as to present them to the Board with the approval of both. I have, therefore, submit them as I originally drafted them, together with remarks on the Acting Conservator's objections, :—

46. In weighing the merits of the principle involved in my proposals, departmental considerations should, I venture to think, be put out of the scale as of very minor importance, the first question being whether it will be best for the forests and fire-wood preserves, the Government, and the public to create individual interests, or maintain direct Government management, and the very secondary consideration being which department is in the best position to carry out the measures decided on. I cannot but think that the Acting Conservator's objections are based chiefly on departmental considerations, which I would far rather yield

† The first Deputy Conservator, Mr. Cubi, (vide his letter to Major Beddome, 11th July 1868, No. 31.)

‡ The Acting Conservator, Major Beddome, (vide his letter to Board, dated 1st July 1868, No. 816.)

altogether than allow them in any way to influence the consideration of the only point,—the point of the principle involved.

49. The Acting Conservator [illegible] complete indifferent [illegible] that the kumkis will be [illegible] over [illegible] very contrary. The natives [illegible] timber near the [illegible] Government [illegible] forest, and that only [illegible] various [illegible] Government [illegible] only [illegible] interested [illegible]

* To Major R. H. Beddome, Officiating Conservator of Forests, dated 16th July 1868, No. 61, Enclosure II.

Enclosure III.

† Letter from Walker, [illegible] dated 14th July 1868, No. 134.

Reply from General Walker, dated 24th July 1868, No. 20 (copies enclosed).

[illegible] [illegible] [illegible] [

53. If the Acting Conservator means to say that [illegible] their position to sell Government timber and fire-wood on [illegible] me it will be a clear indication that the [illegible] lax. If it is essential to the existence of [illegible] private enterprise should be throttled, [illegible]

* *Vide* correspondence enclosed in Board's Proceedings, dated 24th January last, No. 180, and 2nd March 1868, No. 1414; also Mr. Morris's letter to Board, dated 31st March 1862, No. 29.

from doing what they please with the [illegible] should we do so with kumaki holders? [illegible] the competition of the farmery, and I do not [illegible] should suffer more from the competition [illegible] the wargalar.

54. The proposal contained in paragraph 4 of [illegible] Board is, I think, incomplete, unless it [illegible] of felling. If Government allow to enter [illegible] that shown in paragraphs 56 and 57 *infra*. If the Government [illegible] fell, and claims only the seigniorage, then the [illegible] of levying seigniorage on each tree, as I propose [illegible] who is going to watch all these dispersed single trees, and see that [illegible] to do it elsewhere, how are they going to manage it in the kumaki?

† Paragraph 49, *supra*.

55. The Acting Conservator thinks I have [illegible] do not think I have. Though I believe the present Deputy-Conservator, Mr. Childs, respects the kumakis as Major Beddome says in his fifth paragraph, still such a course of conduct has not been by any means [illegible] Department, and the Department Public Works, on the contrary, [illegible] naught, looking almost entirely, I believe, I may say, solely to the kumakis. As to the Hindus having sometimes as much affection as the Englishman for his "ancestral elms" it is no romance, though it may be romantic.

56. Though the kumaki lands have up to the present grown the best [illegible] timber in the district, their future existence is now imperilled. Collectors have strenuously protected their privileges, and the present Deputy-Conservator has scrupulously respected them; but now the whole Department of Public Works, in the operation of Government order, dated 9th January 1868, No. 70, Revenue Department, let loose on them. They know the best timbers, and the nearest for their work are to be found there; consequently they fell them in preference to seeking the more distant Government forest. The kumaki holders complain bitterly, but while that Government order stands, I cannot help them; and the natural consequence is that the kumaki holders are commencing to cut down and sell their own trees surreptitiously, so that they may reap some benefit by them rather than keep them standing simply to be cut and carried off by the Department Public Works. Both even to do this, they came and asked me if they might not

pay seigniorage on the felled trees, and have [illegible] to them themselves, that I could not so interpret the kumaki rules; the Government has the power claimed and even if it waived it and gave it to the ryot in consequence, nothing would be gained, for once felled the ryot would simply send the [illegible] Department Public Works, and Government would [illegible] what it may now take as long as it can [illegible] It must be very short-lived. If this process is continued, the kumaki lands will shortly be as thoroughly denuded as the Government lands. The encouragement on hitherto respected interests to working the very end of both the forests values anticipates from the creation of complete individual interests.

57. Whatever may be the decision on my proposal to reduce forests entirely over to the wargalar on 4 Annas *pu* acre, I venture to urge very strongly

* Dated 9th January 1868, No. 70, Revenue Department.

that the Government order* under which the Department Public Works [illegible] felling to the Government forests and exclude them from the kumakis. I do not think the Government order contemplated [illegible] the kumakis. It was never intended, I believe, that [illegible] selves than the Forest Conservancy Department [illegible] supplying them with timber from the Government forests. The Forest Department respected the kumakis, they do not; they seek them closely. I do not accuse the Department Public Works of any abuse. They are only acting fully up to the letter of the Government order, and are, I imagine, more or less innocent and naturally unconcerned at the mischief they are working.

58. *Fire-wood.*—With regard to fire-wood again the Acting Conservator prefers direct Government management to individual interests and enterprise. He also slightly misunderstands me to paragraph 11, as I was referring to fire-wood trees

59. He seems to think that, because I have an interest, I desire to keep the management of the proposed fire-wood reservancy in my own hands instead of entrusting it to his, the Special Department, by which he thinks it can be better performed. I must, therefore, heartily repudiate all departmental feeling in the matter. I only desire to see the thing well done, and I cannot [illegible] I hold that unnecessarily to do for myself what I can get equally well done for me would be contrary to the very first principle of administration. If the Conservancy Department will really undertake it thoroughly, with some system and vigour, I shall be most thankful to be relieved; but I cannot endure to look on [illegible] The simple question, therefore, is, are they able to do it or not. I believe that at present they are not; and, therefore, I have proposed to undertake it myself only till such time as they are. The grounds of my belief are the following simple facts which I have already represented to Major

† My letter to Major Beddome, 11th March 1868, No. 279 (copy enclosed) and para. IV. Rudiments, and which speak for themselves. My predecessor, with [illegible] took from the Forest Department the management of fire-wood, as that department was admittedly unequal to it, and had denuded the neighbourhood of the road. My predecessor also took the watching of the so-called Sandalwood stills, though

5. To facilitate the clear and distinct record of the concessions, a number will be given to each.

6. In consequence of the additional expenditure which the above rules will entail on the Forest Department, it is proposed to increase the price of fire-wood from 4 Annas per ton to 6 Annas per ton, and of timber from 1 Anna per cubic foot to 1½ Annas per cubic foot.

7. No exemption will be allowed on account of poverty.

8. The concessions will be granted for three years at a time, and will be renewable on the same terms, unless the Government shall have given notice to the contrary six months before the expiration of the three years.

9. The Government reserve to themselves the right of cutting timber and firewood on any land in which rights have been granted, and of granting to others the right of cutting timber on such land, but in such cases the Government will pay to the holder of the concession a fair compensation for any damage done to the crops, trees, or buildings on the land.

10. The Government will not be responsible for any encroachments which may be made on the land by persons claiming rights over it, but will render every assistance in its power to the holder of the concession in preventing such encroachments.

11. Any land which may be granted for the cultivation of tobacco, will be freely granted and disposed of under the orders in force.

12. Any land granted or applied for can be had for grazing at 1 Anna per acre, but rules are required for cultivation on the payment of the full assessment. When so required it will be granted with the proviso that it can be resumed on full assessment. If he declines to do so he will be required to cut down the wood and clear the land of it within a period of three years.

13. Rule IX. also will apply to these lands.

14. If lands taken up for firewood are ploughed and used for grazing cattle, they will be at once taxed the grass tax.

15. Applications for fire-wood and grass lands on the 4 Annas per acre conditional tax will be dealt with under the above rules.

16. Sandal Farm, the Long shovel depot will be granted unconditionally at 4 Annas per acre with freedom from tax for the first two years.

(Signed) H. S. THOMAS,
Acting Collector.

EXTRACT No. 2.

From CHARLES CADELL, Esq., Deputy Conservator of Forests, South Canara, to the Officiating Conservator of Forests, dated Mangalore, 6th July 1868, No. 61.

The Acting Collector of this district has forwarded me a letter, in which he proposes that certain rules should be laid down for the preservation and extension of the fire-wood and forest-trees of the district.

2. These rules involve the concession of all rights in reserved trees growing on kumaki land to the ryots, on the payment by them of a land tax of 4 Annas per acre, and Mr. Thomas, therefore, obligingly forwarded it to me, that, after consultation with you, I might express my opinion on the subject.

3. My own opinion is that this concession would do much to increase the supply of fire-wood on the sea-board of the district, where it is greatly required, and would add much to the welfare of the people generally.

4. It is true, as Mr. Thomas remarks in his letter, that in the north of the district more especially, the only valuable trees growing near the coast are to be found in kumaki lands; but it is also true that many places now perfectly bare were formerly covered with flourishing topes, planted and cared for by the very ryots who now mourn it the most reckless and wanton destruc-

Enclosure No. 4.

From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Officiating Conservator of Forests, Madras, dated encamp at Hosdroog, 11th March 1868, No. 273.

I have been favored by Mr. George Cadell with a copy of his letter to you, No. 151, dated the 3rd instant, on a subject in which, as he truly says, I take much interest. Thoroughly agreeing with him as to the general inadequacy of the establishment allotted to the district, I trust his report will obtain great attention.

2. His statement lacks also unfortunately how great and urgent are the demands made on his very inadequate establishment and how patiently it stands in need of being strengthened.

3. With the details of his proposals as it is perhaps not my province to deal, or I should propose a more liberal establishment than he has ventured to ask. I may be allowed, however, to be concerned that South Canara with its extensive and valuable forests, with ample watercarriage and ready markets, with, in short, every natural advantage, has still grievously failed to supply even the most urgent demands of the public departments, much more the wants of the general public.

4. When every natural advantage is on the side of the department, one is forced to the conclusion that to nothing but its own inherent weakness or mismanagement can its failure be imputed. In the present instance, I am convinced it cannot be mismanagement, for the district has in Mr. George Cadell an intelligent officer, active and energetic as could well be desired. Indeed, it is only because I was so well satisfied that Mr. Cadell would do all that possibly could be done with the instrumentality at his command, that I have so long delayed to address you; but, now that he himself declares he is overtasked, I cannot but seek for him your full support.

5. The Superintending Engineer has already complained that his works are brought to a standstill for want of timber, and I notice that even his timber supplied him is all green and wholly unseasoned.

6. The introduction of the road cess has caused the sudden commencement of a great many more public works than were formerly executed, and it is not surprising that the suddenly increased requirements of the Public Works Department should have been too many for an establishment organized to meet the then existing much more modest demands.

7. The wants of the general public have also increased, and the already overburdened Forest Department has naturally not been able to keep pace with them.

8. I am informed that you have conceded to the Public Works Department the liberty to cut by their own agents, at pleasure, such timber as they may require. If so, this would seem to be in itself an admission that your department is unequal to its own proper duties. But I trust I am misinformed, for it is a liberty that, though much pressed, I have abstained from seeking for myself, because though equally urgently in want of ferry boats and timber for salt buildings, I thought the admission of separate uncontrolled agencies into the forests undesirable.

9. In your letter, No. 549, dated 13th February 1868, you urged the desirability of continuing the renting of the Sandal stills, adding that it was the duty of the forest officer and his Overseers to see that no valuable timbers are felled by the workers of the stills. As I have thereon withdrawn my objections, I trust you will, as early as you conveniently can, make arrangements for undertaking the admitted duty and relieving my Revenue Inspector, who now does it for you.

10. I visited these stills about three months ago, and was far from being as satisfied as you are that valuable timber is not removed by the Sandalwood burners.

11. The Government has repeatedly declared that its main desire is conservancy, properly so-called, rather than immediate returns, but with an inadequate establishment this is simply impossible.

12. My predecessor found it necessary to resume the care of the fire-wood jungles of which the country was being so rapidly denuded. I have had to apply for extra funds to reduce the waste of the past.

Proceedings of the Madras Government, Revenue Department,
22nd October 1874.

From the same officer, dated 13th November 1868, No. 1 1/65.

With a view to satisfy the Board that I was not over-sanguine in limiting [illegible] that the five-rood rules which I have proposed for this district would be capable of, or that people I assess the [illegible] of applications already made for parts of land for [illegible]

2. These applications will be [illegible] from the Village Taliar and three [illegible] average assessed to the [illegible] Village Cowle Lands where the [illegible] assessments have not acted as any [illegible] scale.

3. The [illegible] moreover, are not to be free from land tax for ten years, as proposed in my notes, but are at once [illegible] to assessment at Annas 12 [illegible] and liable to be raised to 1 Rupee an acre if the Board does not approve of my proposals.

4. Having so many applications coming in upon me, and not knowing how to deal with them without the Board's sanction to my proposals, and yet being very [illegible] to discourage the applicants as a people relined, I took the much on [illegible] to accordance with a practice obtaining in this district of giving out the lands under a temporarily low assessment (about 6 to 10 or more thousand of 3 Annas an acre liable to be raised at pleasure to the full assessment for which the land was fit, and that I assess not yet 1 Rupee per acre.

5. I should add that I found several large woods of 113, 99, and 50 acres, and thousands, full of well-grown fire-wood trees, and evidently well cared for and protected, while all around had been reduced to scrub of a few inches in height. These, I ascertained, were admittedly Government woods, because on Government land, but had been for many years past watched and enjoyed free of tax by the temple authorities. I found regular entries in their accounts of disbursements to watchmen. The temple authorities represented to me that, while they admitted they had no rights, it was their care alone that had prevented these jungles from sharing the fate of those nominally protected by the [illegible], but, in truth, left open to the public, and they sought to have their enjoyment established and recognised by the payment of some assessment to Government. Though all their past years of tax free individual enjoyment or Government woods might have been held to be far more than equivalent to their care and expenditure, still I thought such a view would be illiberal and harsh, as well as tending to discourage those who, though surreptitiously, had yet done the very thing I wished to encourage others to undertake. I thought better, therefore, as is usual with all encroachments on land, to let the past alone, and place them in the same position as other fire-wood groves, and it was their case particularly which pressed me to recognise their enjoyment assessed by the imposition of the light temporary assessment above alluded to, rather than leave them in doubt, and their woods in danger of general pillage till such time as the Board could go into the questions contained in my letter, No. 827,

6

Statement No. 1.

List of Applications for waste Land received and disposed of during the month of September 1874.

Number of Application.	Name of Applicant.	Taluk.	Village.	Area applied for.	Area sold.	Area rejected.	Remarks.
				Acres.	Acres.	Acres.	
1	Vagga Hegade of Tora	Coondapoor	Tora	10			
2	Cheriya Nadiga, do	do	Kotta	10			
3	Ittu Sa, do	do	Kotta	10			
4	Kannaya Shetty, of Shivalli	Mangalore	Shivalli	10			
5	Hiriya Kariya Nayak, do	do	do	10			
6	Sanjeeva Reddy	do	do	10			
7	Venkata Sub-ma Upadaya, do	do	do	10			
8	Kuppu Gowda, do	do	do	10			
9	Chowdry Acharya, do	do	do	10			
10	Bandaseeden Acharya, do	do	do	10			
11	Narasia Upadaya, do	do	do	10			
12	Appaya Acharya, do	do	do	10			
13	Chikkanna Alada, do	do	do	10			
14	Venkatarama Acharya, do	do	do	10			
15	Lakshmi Narain Acharya, do	do	do	10			
16	Perumal of Sidde Mhal	do	Shivalli	10			
17	Kalinga Gowda Reya, of Shivalli	do	do	10			
18	Mangalaya Gowda Bhatta, of Adkabail	do	do	10			
19	Swami, of Sidde Mhal	do	do	10			
20	Swami, of Devirappa Mhal	do	do	10			
21	Swami, of Shiva Mhal	do	do	10			
22	Bandaroon, of Daiva dangana Mhal	do	do	10			
23	Vasu Devaya, of Shivalli	do	do	6			
24	Venkata Ramana, of Urumpalli	do	do	20			
25	Lingappa Lobo Fernandis, of Tonse	do	Tonse	10			
26	Gurudatam Mungo,	do	do	10			
27	Lingappa, alias Soonaraa,	do	do	10			
28	Malpi Moolia Saiba,	do	do	10			
29	Hemmane Mangpa Shetti,	do	do	10	100		
30	Pedduadra Kenday,	do	do	10			
31	Venkatramana, alias Naraina,	do	do	10			
32	Subbaya, of Tonse	do	do	10			
33	Rachimatha Pai, of Tonse	do	do	10			
34	Rashoo Rebelly,	do	do	10			
35	Do Durgoo Gaon,	do	do	10			
36	Do Tonse,	do	do	10			
37	Do Kotta,	do	do	10			
38	Do Tonse Kanda Shetti,	do	do	10			
39	Do Tonse,	do	do	10			
40	Do Tonse,	do	do	10			
41	Do Tonse,	do	do	10			
42	Do Tonse,	do	do	10			
43	Do Tonse,	do	do	10			
44	Do Tonse,	do	do	10			
45	Do Tonse,	do	do	10			
46	Do Tonse,	do	do	10			
47	Do Tonse,	do	do	10			
48	Do Tonse,	do	do	10			
49	Do Tonse,	do	do	10			
50	Do Tonse,	do	do	10			
51	Do Tonse,	do	do	10			
52	Do Tonse,	do	do	10			
53	Do Tonse,	do	do	10			
54	Do Tonse,	do	do	10			
55	Do Tonse,	do	do	10			
56	Do Tonse,	do	do	10			
57	Venkappa Achari of Chippadi	do	Chippadi	15			
	Mangalore Taluq.						
58	Madhavi Kondo Manjappa Shetti,	Mangalore	Shivalli	10			
59	Annappay of Kankadachal	do	do	10			
60	Kanappa Shetti, of Mundkar	do	Mundkar	10			
	Cassergode Taluq.						
61	Muthuru Sannakonde Manjappa Shetti	Cassergode	Muthuru	10			
	Total			324			

Kumpala Times,
18*th November* 1868.

(Signed) H. S. THOMAS,
Acting Collector.

No. From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 9th December 1868, No. 1,225.

With reference to the Board's Proceedings, numbers and dates as per margin, I have the honor to forward herewith copy of Mr. Webster's rules with "such alterations and additions as I think necessary to guard against the abuse of kumeri privileges." I have further sent herewith a statement showing distinctly the individual wargdars who claim the right to cultivate kumeri in the Cassergod Taluq, the amount of kumeri entered

24*th June* 1868, No. 1,601.
11*th Aug.* " " 5,886.

6. In making kumeri land over to a ryot on these terms, I would once for all give him the option of taking up as much less as he liked than he was entitled to under Mr. Webster's rules, but never more.

Enclosure No. 1.

Rules proposed by Mr. Webster and sanctioned by Mr. Morris and now in force.	*Alterations and additions now proposed.*
GENERAL RULES.	
ART. Never kumeri is to cease.	
2. The cultivation of kumeri in all wargs in forests and in any forest that has been meant for more than nine years is absolutely forbidden.	
3. Kumeri will be allowed at the rate of one acre for every 4 Annas of kumeri shist and shamil included in the warg, and the assessment will be raised to 1 Rupee per acre.	
4. Arakal to the extent and within the limits of the kumeri cut the preceding year will be allowed, subject to the assessment of 1 Rupee per acre.	
5. Government shall be at liberty to plant trees on any spot now occupied for kumeri, and on such spots no kumeri will be allowed to be cultivated in future.	This practically leaves an opening on behalf of Government to stop any Kumeri for forest purposes.
6. No ryot shall, in future, cut kumeri on any spot except within the boundaries of his own village or of that in which by the Government accounts he is entitled to cut.	
SUMMARY RULES.	
A block of forest equal to the requirements of eight years will be allotted to each warg, within the limits of whole ryots (subject to the following exceptions) are expressly forbidden from cutting kumeri, while a ryot shall only cut in each year one-eighth part of the whole. Where practicable and advisable, the jungles in which the kumeri of the warg was formerly cut will be allotted.	
Exception I.—In wargs in which the kumeri shist and shamil is under 10 Rupees, the person who enjoys the privilege of cutting all the kumeri of the warg will not be forced to cut kumeri every year, but will be allowed to cut it at certain stated periods, to be agreed upon beforehand. He will, however, only cut the amount which may have accumulated in consequence of the non-exercise of the privilege in former years.	
Example.—A man pays 1 Rupee kumeri shist and shamil. He might cut four acres a year. If he elects to do so, he may cut eight acres every other year, sixteen acres every four years, and so on.	
Exception II.—Where a man has all the kumeri of several wargs in one village he will be allowed to cut the kumeri in one block.	
2. No kumeri will be allowed to be cut without a permit. Any one cutting kumeri contrary to this rule will be prosecuted according to law for trespass or mischief, as the case may be.	Say rather "*these* rules."

in the form the amount of kumeri to be cut by himself and the others. The total number of acres must not exceed the amount allowed in the form.

14. This form must be filled up and delivered either to the Tahsildar or to the Magane Shanabog before the 31st December in each year.

15. Should the form be given to the Magane Shanabog, he will forward it on at once to the Tahsildar.

16. On its receipt by the Tahsildar he will ascertain its correctness, and will issue a permit to the Kodubi-dar allowing the kumeri to be cut. This permission should reach the Kotwaldar before the 15th January.

17. In September the Revenue Inspectors and Monegars will proceed to measure the kumeries, and will report, for the orders of the Tahsildar, all cases in which the kumeri cut exceeds by more than ten per cent. the amount allowed. He will take no notice of cases in which the excess is under this amount more than by calculating the amount actually cut in the list, which he will forward to the Tahsildar when his inspection is concluded.

18. In cases where the amount cut exceeds by more than ten per cent. the amount allowed, whether cut by himself or his tenants, the kodubi-dar will be liable to pay at the rate of 8 Rupees per acre on the excess, the crops being given up to him.

19. The Tahsildar having been directed to prepare the Register for this year forms will be issued in succeeding years according to this Register. Parties, therefore, who have obtained kumeries from the persons entered in the Register must apply to the Tahsildar or to the Court, as usual to have their names entered in the Register.

20. If, after the permits for the year are issued, a person obtains a kumeri by a decree of a Civil Court, he must have the decree executed at once, and, on his producing before the Tahsildar an order of the Court stating that the decree has been executed, a supplementary permit will be issued to him and the former permit will be cancelled.

21. Persons who may be aggrieved by the acts of the Tahsildar in granting the forms must appeal to the officer in whose division the taluq is situated within one month from date of decision.

22. Persons who may have been considered by the Tahsildar liable to extra assessment specified in Rule 17 will have to appeal at the time the jumabandy of their Magane is being made, after which no appeals will be heard.

MADRAS,
22nd August 1864.

(Signed) A. McC. WEBSTER,
Head Assistant Collector.

(True Copy.)

(Signed) H. S. THOMAS,
Acting Collector.

It has been pointed out by Mr. Cadell that it is generally very difficult to distinguish rough and steep hill-sides.

According to this rule kumeri may be cut in virgin forests and the best timber cleared to any amount that may be remunerative at Rupees 8 an acre unless Subsidiary Rule 2 is altered as I propose, and prosecutions brought to bear on encroachers on virgin forests.

No. 2.

In the District of South Canara.

Taluq.	Village.	Number of Ryotwar pattas issued in the Fasli year 1283 (A.D. 1873-74) as mentioned in Column 7.	Amount of Ryotwar assessment to be collected on the pattas issued in the Fasli year 1283 (A.D. 1873-74) as mentioned in Column 8.	Amount of Ryotwar assessment to be collected on the pattas issued in the Fasli year 1284 (A.D. 1874-75) as mentioned in Column 9.	Amount of assessment which the Ryotwar pattadar will be called upon to pay in the Fasli year 1284 (A.D. 1874-75) as mentioned in Column 10.	Remarks.
1	2	7	8	9	10	11	12
			A. R. A.	A. R. A.	A. R. A.	A. R. A.	
Mudbidri	Mudbidri	1	192 0 0	16 0 0	8 0 0	6 0 0	8 0 0
	Kumbhasi	2	144 0 0	12 0 0	8 0 0	6 0 0	8 0 0
	Kadambu	3	108 0 0	9 0 0	6 0 0	1 8 0	6 0 0
	Kavalkatte	4	144 0 0	12 0 0	6 0 0	4 8 0	6 0 0
	Kavalkatte	5	1,200 0 0	100 0 0	152 0 0	114 0 0	152 0 0
	Kavalkatte	6	804 0 0	67 0 0	41 20 13	31 2 3	41 8 4
	Kavalkatte	7	192 0 0	16 0 0	8 0 0	6 0 0	8 0 0
	Kavalkatte	8	120 0 0	10 0 0	5 0 0	3 12 0	5 0 0
	Kavalkatte	9	90 0 0	7 20 0	5 0 0	2 13 0	5 0 0
	Kavalkatte	10	27 0 0	2 10 0	1 20 0	1 2 0	1 8 0
	Kavalkatte	11	1,216 20 0	101 15 0	87 18 1	65 9 6	87 7 4
	Kadambu	12	660 0 0	50 0 0	240 0 0	180 0 0	240 0 0
	Chowtha	13	324 0 0	27 0 0	27 6 4	20 5 10	27 2 6
	Kavalkatte	14	180 0 0	15 0 0	12 11 10	9 6 6	12 1 8
	Kavalkatte	15	72 0 0	6 0 0	6 2 5	4 6 11	6 1 3
	Kavalkatte	16	96 0 0	8 0 0	9 9 3	6 14 9	9 3 3
	Kavalkatte	17	108 0 0	9 0 0	16 13 5	12 4 0	16 5 4
	Kavalkatte	18	216 0 0	18 0 0	16 20 0	12 6 9	16 8 0
	Kavalkatte	19	384 0 0	32 0 0	42 0 0	31 8 0	42 0 0
	Kavalkatte	20	432 0 0	36 0 0	33 15 0	25 0 6	33 6 0
	Kavalkatte	21	912 0 0	76 0 0	47 23 5	34 11 6	47 9 4
	Kavalkatte	22	144 0 0	12 0 0	3 28 5	0 3 6	3 11 3
Kotatur	Kotatur	1	504 0 0	42 0 0	23 38 6	20 3 6	30 15 4
	Hosmane Kote	2	216 0 0	18 0 0	13 12 7	9 15 0	13 5 0
	Kavaredalli Kote	3	36 0 0	3 0 0	2 6 10	1 9 0	2 2 8
	Kavaredalli Kote	4	11 10 0	0 27 8	0 27 8	0 21 3	0 15 0
	Kavaredalli Amba	5	1,296 0 0	108 0 0	85 12 8	63 15 10	85 6 0
	Kadur Kyasa Kanti	6	45 0 0	3 30 0	3 9 8	2 6 9	3 3 6
	Beevala Chavadi	7	72 0 0	6 0 0	5 15 13	4 0 0	5 6 4
	Beevala Chavadi	8	45 0 0	3 30 0	4 31 10	3 9 6	4 12 8
	Beevala Chavadi	9	30 0 0	3 10 0	3 6 10	2 3 6	3 2 8
	Kotatur	10	264 0 0	22 0 0	20 6 10	15 2 0	20 2 6
	Kotatur	11	744 0 0	62 0 0	45 25 13	37 3 9	49 10 4
	Kotatur	12	216 0 0	18 0 0	18 0 0	13 8 0	18 0 0

Remark.—Nil is forthcoming from the Enamy Ooliers, although similar rental is paid by the Devasvamy Ooliers.

In the District of South Canara—(*Concluded*).

Taluq	Village	Number of Survey Number	Name of Cultivator	Assessment of Land according to Survey Measurement of the Year preceding the Year under Report	Assessment of Land according to Survey Measurement of the Year under Report	Amount of assessment remitted on the Land specified in Column 6	Amount of assessment remitted on the Land specified in Column 7	Remarks
1	2	3	4	5	6	7	8	9
				A. G. A.	A. G. A.	A. G. A.	R. A. P.	R. A. P.
Kavaund—(*Concluded*.)	Beldaka	8	[illegible]	240 0 0	20 0 0	10 0 0	7 8 0	10 0 0
		9	[illegible]	210 0 0	18 0 0	18 1 10	10 8 0	14 0 7
		35	[illegible]	504 0 0	42 0 0	46 25 0	3 15 0	46 10 0
		16	[illegible]	48 0 0	4 0 0	2 0 0	1 8 0	2 0 0
		17	Gouda Kalaya Kanna	401 0 0	42 0 0	58 0 14	28 8 2	35 0 4
		18	[illegible]	1068 0 0	89 0 0	8 38 5	6 11 6	8 15 4
		19	[illegible]	54 0 0	4 20 0	5 28 5	4 4 0	5 11 4
		20	Mavadi Kaveri Gauda Kaya.	144 0 0	12 0 0	8 38 5	6 11 6	8 15 4
		21	Chenna Kadaya Kanna	180 0 0	15 6 0	14 12 8	10 11 10	14 5 0
		38	Kotlar Bangara Shetiga Kaya.	144 0 0	12 0 0	9 11 10	6 15 3	9 1 7
		26	Bagadi Puttu	144 0 0	12 0 0	12 16 10	9 5 0	12 6 8
		37	Arabi gowda Chennaiya	144 0 0	12 0 0	6 0 0	4 8 0	6 0 0
		39	Chikkaiah Kaveriya Kaya.	108 0 0	9 0 0	26 14 2	19 12 3	26 3 8
		60	Chenna Kaya	48 0 0	4 0 0	10 10 13	7 11 0	10 4 1
		61	Venkaya Kaya	48 0 0	4 0 0	8 24 2	6 7 3	8 0 8
		42	Kadu Kaya	48 0 0	4 0 0	6 32 4	5 2 3	6 12 8
		43	Sannamma Chennayya	108 0 0	9 0 0	17 37 8	13 7 3	17 15 0
		44	Gollara Timma	48 0 0	4 0 0	5 10 13	3 15 3	5 4 4
		45	Gollara Mutta Gowda	72 0 0	6 0 0	14 5 0	10 0 0	14 2 0
		46	Gollara Timmappa Mavaiya.	48 0 0	4 0 0	10 0 0	7 8 1	10 0 0
		47	Sayed Hussain	48 0 0	4 0 0	9 30 13	7 5 3	9 12 4
		50	Karanappa	96 0 0	8 0 0	16 36 0	8 1 0	16 12 0
		51	Ramaya Nayanappa	96 0 0	8 0 0	7 5 0	5 5 6	7 2 0
		52	Pedgappa Venkaya Bhatta.	48 0 0	4 0 0	13 0 13	9 18 3	13 0 1
		53	Chikka Venkaya Nila	96 0 0	8 0 0	17 37 8	13 7 3	17 15 0
		54	Mahamma Hussain Bavaya	96 0 0	8 0 0	20 11 11	15 3 6	20 4 8
		56	Bakar Sinagara	36 0 0	3 0 0	2 0 0	1 8 0	2 0 0
		57	Pedgappa Hanuma	48 0 0	4 0 0	10 1 0	7 9 2	10 1 7
Gen.								
Mun.	Kodet Kavaru Kanna	1		144 0 0	12 0 0	10 27 8	8 0 4	10 11 0
	Kodet Chendu	2		72 0 0	6 0 0	5 36 10	4 7 0	5 14 8
Nilaeshwar	Kalkura	1	Pelachuri Kanda	389 20 0	73 15 0	36 13 5	64 12 0	36 5 4
		2	Bevinadian Dermanna	291 0 0	24 10 0	30 25 0	23 15 6	30 10 0
		3	Kota Ullaya	405 3 0	33 30 0	48 20 3	37 3 9	49 11 8
		4	Narayatta Anibe	216 0 0	18 0 0	17 20 0	15 2 0	17 8 0

In the District of South Canara.—(Continued).

Equivalent in acres, according to the measurements of the Measurement prevailing in the locality.	Number of Kanis upon which a Ryot may obtain at one assessment, having regard to the amount specified in Column 7.	Amount of Kanis paying assessment to be allowed to the Ryot annually after a Ryot of eight years under the process in force at the date of the Act, has specified in Column 8.	Assessment payable upon the Kanis specified in Column 9 for the year 1 Ryot, the year 2, the year 3, the year 4, the year 5, and the year 6 of the Settlement.	Amount of assessment payable for the Kanis specified in Column 9 for the year 7 and the years following.
7	8	9	10	11
A. G. A.	A. G. A.	A. G. A.	Rs. A. P.	Rs. A. P.
342 0 0	28 20 0	19 11 9	14 7 0	19 4 6
216 0 0	18 0 0	15 15 10	11 2 0	15 6 8
6 20 0	0 22 8	4 13 5	3 12 0	4 12 4
2,913 0 0	242 30 0	376 27 0	283 8 2	440 10 11
153 0 0	12 30 0	10 3 0	7 10 6	10 2 4
198 0 0	16 20 0	26 3 2	19 10 0	26 5 8
216 0 0	18 0 0	27 9 2	20 6 0	27 5 8
198 0 0	16 20 0	18 28 11	14 0 8	18 31 0
180 0 0	15 0 0	9 26 10	7 4 0	9 19 8
... ...	... ...	1 0 6	1 0 0	1 0 0
18 0 0	1 20 0	1 10 0	0 15 0	1 1 0
9 0 0	0 50 0	1 5 0	0 13 6	1 2 0
27 0 0	2 10 0	2 20 13	1 14 3	2 8 4
36 0 0	3 0 0	2 30 3	2 3 9	2 15 8
45 0 0	3 30 0	3 20 0	2 6 0	3 8 0
18 0 0	1 30 0	2 5 13	1 9 9	2 2 4
54 0 0	4 20 0	4 35 13	3 6 9	4 14 4
81 0 0	6 30 0	5 20 2	4 0 9	5 11 8
45 0 0	3 30 0	3 5 4 2	2 15 3	3 7 8
108 0 0	9 0 0	10 1 10	7 8 6	10 0 8
45 0 0	3 30 0	4 25 0	3 7 6	4 10 0
4 20 0	0 15 0	6 15 10	4 13 0	6 6 6
108 0 0	9 0 0	8 35 0	6 10 6	8 14 6
162 0 0	13 20 0	8 20 13	6 5 3	8 8 4
1,134 0 0	94 20 0	110 24 3	82 15 3	110 9 8
180 0 0	15 0 0	19 0 0	14 4 0	19 0 0
900 0 0	75 0 0	14 15 13	10 12 9	14 6 4
... ...	... ...	25 23 5	19 3 0	25 9 4
... ...	... ...	12 35 13	9 16 9	12 14 1
... ...	... ...	6 15 13	4 12 9	6 6 4
... ...	... ...	11 20 0	8 10 0	11 8 0
306 0 0	25 20 0	36 9 3	27 2 9	36 3 8
162 0 0	13 20 0	15 3 5	11 5 0	15 1 1
... ...	... ...	52 0 0	39 0 0	52 0 0
... ...	... ...	106 29 3	80 3 9	106 15 8
387 0 0	32 10 0	42 0 6	31 8 0	42 0 0
936 0 0	78 0 0	100 4 3	75 1 3	100 1 8
... ...	... ...	13 11 10	13 11 6	13 4 8

Extent of Kanis not paying assessment to be allowed annually after a Ryot of eight years under the process in force at the date of the Act has specified in Column 9.

Amount of assessment payable for the Kanis specified in Column 9 for the year 1 Ryot, the year 2, the year 3, the year 4, the year 5, and the year 6 of the Settlement.

Amount of assessment payable for the Kanis specified in Column 9 for the year 7 and the years following.

Decrease on Column 10 not forthcoming.

Extent of Kanis not paying assessment to be allowed annually after a Ryot of eight years under the process in force at the date of the Act has specified in Column 9.

Decrease on Column 10 not forthcoming.

Decrease on Column 10 not forthcoming.

n the District of South Canara.—(Continued).

7	8	9	10	11	12
quivalent in acres, according to the measurement of the Moora prevailing in the locality.	Number of Kumeri acres which the Wundar may cause to cut annually, being equivalent to the amount specified in Column 7.	Amount of Kumeries to be allowed to be cut annually after a fallow of 6 or 7 years under the system in force, viz., at one acre for every 4 Acres of the Kumeri, being the amount shown in Column 6.	Amount of assessment to be imposed for the area in which the Kumeri is annually cultivated within the amount specified in Column 9, at the rate of 1 Rupee per acre under cultivation on the amount shown in Column 8, which is annually collected as Land Revenue.	Amount of assessment to be collected on the 2nd crop known by the name of "Anka," raised in the year following the one in which the Kumeri was brought under cultivation, at the rate of 1 Rupee per acre on which the crop is actually grown.	Remarks
A. G. A.	A. G. A.	A. G. A.	RS. A. P.	RS. A. P.	
45 0 0	3 30 0	3 9 3	2 6 9	3 3 8	
45 0 0	3 30 0	4 10 0	3 3 0	4 4 0	
56 0 0	3 0 0	3 39 3	2 15 9	3 13 8	
72 0 0	6 0 0	5 25 0	4 3 6	5 10 0	
... ...	... ...	23 18 6	17 9 6	23 7 4	Extent of kumeri not shown in the Doormooty Chitta.
45 0 0	3 30 0	0 32 3	0 0 9	0 13 0	
192 0 0	16 0 0	13 14 3	10 0 3	13 5 8	
243 0 0	20 10 0	21 26 11	16 4 0	21 10 8	
756 0 0	63 0 0	18 0 6	13 8 9	18 9 0	
... ...	... ...	15 32 8	11 13 9	15 13 0	Do. do. do.
216 0 0	18 0 0	18 15 13	13 12 9	18 6 4	
180 0 0	15 0 0	12 25 0	9 7 6	12 10 0	
135 0 0	11 10 0	13 32 8	10 5 9	13 13 0	
315 0 0	26 10 0	33 23 5	25 3 0	33 9 4	
162 0 0	13 20 0	20 9 13	15 3 0	20 3 11	
... ...	... ...	15 14 2	11 8 3	15 5 8	Doormooty Chitta not forthcoming.
... ...	... ...	30 5 13	22 9 9	30 2 4	Do. do. do.
225 0 0	18 30 0	16 25 13	12 7 9	16 10 4	
180 0 0	15 0 0	22 32 3	17 1 9	22 13 0	
90 0 0	7 20 0	10 20 0	7 14 0	10 8 0	
720 0 0	60 0 0	66 15 0	49 12 6	66 6 0	
... ...	... ...	20 7 8	15 2 3	20 3 10	Do. do. do.
135 0 0	11 10 0	7 2 8	5 4 9	7 1 0	
216 0 0	18 0 0	16 0 0	12 0 9	5 0 0	
2,242 20 0	186 35 0	101 35 13	76 6 9	14 4	
... ...	... ...	77 3 5	57 12 11	1 3	Do. do. do.
1,818 0 0	151 20 0	80 39 3	60 11 9	15 8	
... ...	... ...	14 29 2	11 0 8	11 7	
... ...	... ...	20 24 3	15 7 3	9 8	
... ...	... ...	11 36 11	8 15 0	11 14 8	
... ...	... ...	11 32 8	8 13 9	13 13 0	Extent of kumeri not shown in the Doormooty Chitta
... ...	... ...	9 0 0	6 12 0	9 0 0	
... ...	... ...	11 8 5	8 6 6	11 3 4	
... ...	... ...	9 0 0	6 12 0	9 0 0	
... ...	... ...	12 0 6	9 9 0	12 0 0	
... ...	... ...	20 31 10	15 9 6	20 12 8	
... ...	... ...	20 0 0	15 0 0	20 0 0	
... ...	... ...	5 0 0	3 12 0	5 0 0	
45 0 0	3 30 0	1 9 2	0 14 8	1 3 7	Do. do. do.
... ...	... ...	4 4 3	3 1 3	4 1 8	Doormooty Chitta not forthcoming.
... ...	... ...	35 23 5	26 11 0	35 9 4	
513 0 0	42 30 0	9 27 8	7 4 3	9 11 0	Forms part of an old warg called Moonnacool and has no Doormooty Chitta.
... ...	... ...	27 14 2	20 8 3	27 5 8	
408 0 0	34 0 0				
14,791 0 0	2,899 10 0	3,632 12 3	2,724 3 11	3,632 4 11	

Statement of Kumeries in the District of South Canara.

Rugam.	Village.	Number of Warg.	Name of Kumeri.	Amount of Kumeri shown to be collected in the Kumeri Statement for 1867-68.	Amount of Kumeri shown to be collected in the Kumeri Statement for 1868-69.	Amount of Kumeri shown to be collected in the Kumeri Statement for 1869-70.	Amount of Kumeri shown to be collected in the Kumeri Statement for 1870-71.	Amount of Kumeri shown to be collected in the Kumeri Statement for 1871-72.	Remarks.
1	2	3	4	5	6	7	8	9	10
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	

B.—(I.)—Wargs in which Kumeries are prohibited on the ground that both the Proprietary and Government Interests will suffer by the Extension of Cultivation.

Nileshwar ...	Bellur	12	Adkeal Kan, Kumeri	4 12 14	4 12 14	4 12 14	4 12 14	4 12 14	
	Kaiyar	19	Kowaipore Kumeries	1 0 0	1 0 0	1 0 0	1 0 0	1 0 0	
		2	Mutarikan	3 3 0	3 3 0	3 3 0	3 3 0	3 3 0	
				8 15 14	8 15 14	8 15 14	8 15 14	8 15 14	

B. (II.)—Wargs in which Kumeries are prohibited on the ground that both the Proprietary and Government Interests will suffer by the Extension of Cultivation.

Nileshwar ...	Nileshwar Kasba.	9	Yedkat Koma	... ...	... ...	... ...	... ...	... ...	
	Madkai	40	Challi Kurpu	... ...	... ...	... ...	... ...	... ...	
		47	Arkeal Koma ...	... ...	... ...	... ...	... ...	... ...	
		68	Patra Balapl Arabadi	... ...	... ...	... ...	... ...	... ...	
		82	Madrampadikaya ...	... ...	... ...	... ...	... ...	... ...	
Alvatnad ...	Ravaneshwa ...	21	Pakalaya	... ...	... ...	... ...	... ...	... ...	
	Minga	1	Chelakod Arabi	... ...	... ...	... ...	... ...	... ...	
		5	Bengre Anbadi ...	... ...	... ...	... ...	... ...	... ...	
		9	Yele Arasu	... ...	... ...	... ...	... ...	... ...	
				... ...	... ...	... ...	... ...	... ...	
				Amount of Kumeri being remitted.					

B. (III.)—Wargs in which Kumeries are discontinued in the Adder Magane under Government Order, No. 830, dated 23rd May 1860, which

Adur	Kasba Adur village.	40	Mahalingeshwara Dev.	38 15 7	... ...	... ...	... ...	... ...	
	Miscellaneous.	1	Do. do.	89 8 0	... ...	... ...	... ...	... ...	
				128 7 7					
				136 12 5					
			Grand Total ...	1,044 13 5					

MANGALORE,
9th December 1868.

in the District of South Canara.—(Concluded).

Equivalent in seers, according to the measurements of the Mangalore parapadag in the locality.	Produce of the Kumeri cultivation which the Warg may be said to yield annually, being the average of the produce of the Kumeries in the Warg for the years specified in Column 7.	Amount of Kumeri assessed to be collected in the year, after a deduction of which remains the amount of the Kumeri Assessment of the Kumeries in the Warg specified in Column 6.	Amount of assessment agreed to be remitted for the year in which the Kumeri is assessed to be cultivated according to the rule of allowing 5 Rupees per acre under Kumeri cultivation, which is considered as Land Revenue.	Amount of assessment agreed to be charged on the Kumeri shown on the same Account as Annual rates to the year following the year to which this Account was brought under cultivation at the rate of Rupees per acre on which the crop is annually grown.	Remarks.
7	8	9	10	11	12
A. G. A.	A. G. A.	A. G. A.	Rs. A. P.	Rs. A. P.	

Chetta among other Chetta and yet no Kumeri Shall for that to be found in the Devarecoy Chetta.

324 0 0	22 0 0	17 4 5	12 6 6	17 3 4	The kumeris having been prohibited, the sums shown in columns 10 and 11 are not collected.
72 0 0	6 0 0	4 0 0	2 0 0	4 0 0	
180 0 0	15 0 0	10 0 0	7 8 0	10 0 0	
576 0 0	43 0 0	31 8 5	22 14 6	31 3 4	

Chetta and Savanary Chetta show no Kumeri Shall though Kumeri Padigads are to be Devarecoy Chetta.

2 10 0	0 7 8	... ...	... ...	... ...	
1 20 0	0 5 0	... ...	... ...	... ...	
9 0 0	0 30 0	... ...	... ...	... ...	
18 0 0	1 20 0	... ...	... ...	... ...	
63 0 0	5 10 0	... ...	... ...	... ...	
54 0 0	4 20 0	... ...	... ...	... ...	
83 20 0	6 35 0	... ...	... ...	... ...	
22 20 0	1 35 0	... ...	... ...	... ...	
45 0 0	3 30 0	... ...	... ...	... ...	
297 30 0	24 32 8	... ...	... ...	... ...	

a portion of the old Pootoor Taluq and since added to the Kasargod Taluq in July 1860,) Kumeris in the whole District with the exception of the Kasargod Taluq.

... ...	... ...	155 35 13	116 14 0	155 14 4	Extent of kumeri not shown in the Devarecoy or other Chetta. The kumeris having been discontinued, the sums entered in columns 9, 10, and 11 are not collected.
... ...	... ...	558 0 0	268 8 0	558 0 0	
... ...	... ...	513 35 13	385 6 9	513 14 4	
873 30 0	72 32 8	545 4 2	408 5 9	545 1 8	
35,664 30 0	2,972 2 8	4,177 16 5	3,132 9 2	4,177 6 7	

(Signed) H. S. THOMAS,
Acting Collector.

Proceedings of the Madras Government, dated 21st December 1868, No. 3,103, Revenue Department.

ABSTRACT.—*Firewood Supplies to Sacred Tanks.*—Report of Revenue Board on the Collector's observations on the petitions for free wood to the Poonah Department.

Proceedings of the Madras Government, dated 1st March 1870, No. 455, Revenue Department.

ABSTRACT.—*Wargalur Kanam in South Canara.*—Board of Revenue to report the submission of their reply and that of the Collector on the subject.

From H. S. THOMAS, Esqre Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Uppinangadi, 22nd November 1868, No. 1,198.

I have the honor to report on Board Petition No. 1,167 of 1868.

2. Petitioners' main complaint is that, whereas a very great quantity of fire-wood is required for cooking the food grains of the temple, I have disallowed the claim of the temple authorities to cut this free of assignment, and have ordered the Forest Rules to them equally with other ryots.

3. The ground on which they rest their claim for exceptional treatment is the renown of the temple and the greatness of the charity which entitle them, they think, to this contribution from Government towards the maintenance of their "holy and charitable institution." But I thought that the Government connection should end with its yearly or annual allowance of Rupees 8,500, and that the temple authorities should themselves bear the cost of their own charities.

4. Neither did I think they were entitled under the Forest Rules to cut it free as ryots for their own consumption, because the fire-wood is avowedly not for their own consumption but for the cooking of food for a multitude of idlers, chiefly strangers encouraged by the charity, regularly to live thereof in easy plenty, for some worshippers from other districts, for very few ryots of the district, and most certainly not for the tenants and farm-labourers of the petitioners.

5. It is true that I was the first to stop the free grant of fire-wood for this charitable purpose, but jungles were more plentiful in former days, and I thought the discontinuance of the concession was in accordance with Forest Rules. The orders quoted by the petitioners arose out of their having laid claim to a Mulkigeti in the woods, and in those orders that right is after inquiry denied, and a continuance of enjoyment only conceded with certain exceptions.

6. The amount of fire-wood which the temple authorities are estimated to consume while they get it for nothing is 72,000 cooly-loads for a single festival of installation (Pariaya), which occurs every second year, and lasts for about ten days. The ordinary expenditure also for the rest of the year is equivalent to the clearing of about thirty acres per annum of fairly thick jungle. But I do not suppose that they would be quite so lavish of their fire-wood if it cost them anything.

7. It is true that I sold by auction the right of clearing some of the jungles to which the temple authorities laid claim, because it was ascertained by inquiry

that they paid no manner of fees for them, that the land they grew on was the property of Government; and that all they had done for them was to claim them, and prevent others from entering or cutting in them; and though it is true that it was owing to this monopoly that these woods had been saved from the exploitation by the community which had befallen the woods owned for only by the Government, I thought that the quantity of fire-wood they had lost from them had been sufficient recompense for the undeserved monopoly, and I had not at the time seen the woods [illegible] surrounding country. But I was apparently much respected this step and [illegible] the Board on more than one occasion, urging, with all force I could, that self-interested preservers like the petitioners, whose case I mentioned, I should be encouraged in the rearing of these peculiar trees (peculiar as they refuse nearly all to grow except by the friendly encouragement of the subject.

8. There are many other points also that have alluded to by the petitioners in which woods have been proved by private persons, but as the Public Works and Forest Departments do not require them, and I am already unable, under present rules, to afford them any protection, the woods have, as already reported, turned round disheartened and contemptuous capacity of keeping what they themselves had formerly protected and raised, and thus these woods are rapidly disappearing. It is, therefore, of considerable moment that the Board's orders on this important subject should be no longer delayed.

9. If the Board hesitate to adopt my proposals in full, I trust I may not be considered importunate if I request them to inform me of the possible objections to the scheme that I may, if necessary, reconsider the whole subject and submit modified proposals for their consideration.

Extract from No. 1.

Minute No. 213, dated 31st December 1866, Order No. 42.

Order to the Tiny Tahsildar of Coiyl.

I see no objection to give the petitioners permission, as you have recommended, to fell fire-wood from the two ferries, but as such a permission would likely lead him to interfere also with other Government Forests you are desired to mark a portion in the forests as would contain enough of fire-wood for six months' consumption, and to bid the petitioners to fell and remove the fire-wood therein after showing them to the Government, and to take the necessary care thereon. You are further desired to measure the marked portion after it is cleared of its woods, and to recommend for a further quantity of fire-wood that would be found necessary for consumption in the Mutah in proportion to the extent of land measured.

It is urgently necessary to raise a forest anew again on the spot thus cleared by planting fresh seeds; therefore, you are hereby ordered to take the necessary measures to plant fresh seeds and bring up trees on the spot thus cleared. The enclosed Proceedings are herewith returned.

Maxanoor, (Signed) G. L. MORRIS,
12th January 1867. Collector.

* To Board, 15th Sept. 1868, No. 939.
" 3rd " " " 1,103.
" 18th Nov. " " 1,320.
" 3rd Aug. 1868, " 1,026.

† Paragraph 5 of Letter to Board, dated 14th November 1868, No. 1,198.

Paragraph No. 22 of G.O.
dated 1st October
1874.

Letters to and on appeal as stated in the margin, and the case laid before the Board of Revenue.

Order.

14th March 1870. Remand to the Collector.

Answer to Query.

To the Honorable Board of Revenue.

Appeal — Petition of [illegible]
Petitioners of [illegible]
Petitioners of South Arcot, dated 4th April 1870.

Mode of conducting Surveys.

Thus this is an appeal made against an order passed by the Collector of South Arcot in Petition No. 22 of 1870, praying for permission to take forest timber for the repairs of the Collector of Tulluy Pass Temple, and to have the same exempted from the payment of Forest duties, and to have the Collector's order thereon set aside by the Madras Government.

1. The temple of Tulluy is one of the most renowned and famous temples in the whole country in India.

2. Many of the former Governments have greatly contributed towards the maintenance of this holy and charitable institution, and among the present supporters are the Rajahs of Vizianagram, Pittapuram and Cochin.

3. Pilgrims, as well as the swamees of seven mutts or Madras, are also Managers of this temple, where each of them is to conduct their Pooja for a years in turns.

4. Generally a daily number (12,000) persons are supplied with food in this temple, and on festival and Poojas occasions the number is increased to even 50,000 to 1,00,000 persons daily.

5. The annual receipt or Government allowance to the temple being only Rupees 8,000, it is plain that it is quite insufficient to cover even the daily expenses. While other charitable abound with lands and other charitable institutions, South Canara is absolutely destitute of them. were it not for this far-famed temple; and the penitentiary, as well as the zemindars of other Malabs, in their attempt to support the charity contribute to the welfare of the poor and strangers, have incurred enormous debts.

6. The present increase in the price of the necessary articles would have already put a stop to the charity as expensively managed, had it not been for the liberal assistance of Government in their having allowed the managers to fell the necessary fire-wood, one of the important, as well as hard-to-come at, things.

7. This temple is the first of the seven great localities below the ghaut, and it will easily be found that it devolves upon the liberality of Government to contribute, as hitherto, towards the maintenance of this long-continued charitable institution.

8. Above the ghauts and in other parts of Hindustan there are many charitable institutions which have been founded by former Rajahs as well as other private individuals; but in parts below the ghaut this is the only one where the charity being daily relieves the travellers and the needy.

9. The late Collector, in conformity with other precedents, taking into consideration all the foregoing circumstances, had granted to the temple the privilege of felling fire-wood from Government forest by Orders Nos. 27 (1268), 39 (1854), 510 (1268), 22 (1868), on the Ulloor file, which privilege has continued up to this time; but the present Collector, not viewing the matter in its true light, has unlawfully and in direct violation of the established practice directed the annulment of this privilege, basing his order on Forest Rules which are purely applicable in cases of traders in fire-wood.

10. The [illegible]
Con. and [illegible]
11. [illegible]
income of the Mutt
of the [illegible]
May of [illegible]
12. [illegible]
expense [illegible]
by the Mutt and [illegible]
for carrying on the [illegible]
13. [illegible]
one of Coorg [illegible]
another [illegible]
happened [illegible]
14. [illegible]
only for the [illegible]
have and I [illegible]
given again [illegible]
15. [illegible]
sent by the [illegible]

Wherefore the [illegible]
sanction, and by the [illegible]
to restore to the temple the [illegible]
of which it is now deprived.

(Signed) [illegible]

From H. S. Thomas, Esq., Acting Secretary to the Board of Revenue, dated 4th August 1870, No. 1,010.

With the Board of Revenue's and the letters mentioned in the margin, I would submit
To Board of Revenue, dated 6th September 1866, No. 837.
To Board of Revenue, dated 13th November 1868, No. 1,303.

22. I have already pointed out that all conservancy within certain areas of the
Paragraphs 21 and 27, No. 837 of 1866.
it will obviate the present objectionable and [illegible]
I have proposed in the case referred to that
[illegible] should be under the Collector
and to the Forest Department as the
present attempt is an experimental
[illegible] by the workmen left on the Public
Works Department to another source of
injury to the ryot. The proposal is also not a novel one as precedents, but in accord-
ance with the practice obtaining in many districts of villages and forest conservancy
being kept distinct.

23. But this cannot be done without funds, and as the fire-wood on the ground
has been exhausted, what I seek is to take the fire-wood proceeds of the reserves,
and with them renew the fire-wood reserves of the coast. It would seem desirable

that the fire-wood products of the interior should be [illegible]
the fire-wood jungles to their old position [illegible]
amount to a transplanting of them [illegible]
where they are most wanted.

4. First among the firms available [illegible] the Forest Department, which [illegible] in their accounts is purely and simply the [illegible] income at all from Sandalwood. The Sandal [illegible] without scent, and therefore not worth [illegible] therefore, brought to our forests and there [illegible] *wood*, and nothing but the fire-wood [illegible] money is paid in this district and brought to account [illegible] the head of Sandalwood or cattle. As to [illegible] sale-proceeds of *fire-wood*, it should, I think, be [illegible] such conservancy had, in my opinion, better be [illegible] the places where its want is most felt, and also [illegible] the coast; consequently, it follows that only [illegible] the department undertakes the cost [illegible] added the facts that the sales and whole [illegible] stills have, on account of the weakness of the Forest Department [illegible] the Revenue authorities.

5. Bamboos are also an item of forest receipt which [illegible] other districts to Village Conservancy. I [illegible] should be otherwise in this district.

6. The proceeds of the 6-Anna assessment [illegible]

Paragraph 31 of my letter, No. 827, dated 6th September 1865.
Paragraph 5 of my letter, No. 1,425, dated 6th December 1865.
Paragraphs 7 and 9 of my letter, No. 1,165, dated 18th November 1868.

with other land-tax be brought to Imperial account. If this be so, [illegible] applies with equal force to forest proceeds, for the sort of [illegible] same proceeds correct in fairness influence [illegible] realised by the direct sale of *fire-wood* and timber, or by the [illegible] fixing a price on the growth thereof, or by the [illegible] felling and sale thereof by proxy as it were, surely the [illegible] the money obtained is the proceeds of timber and fire-wood? The only difference is that in one case the money is, with expensive machinery, [illegible] sales, while, in the other case, it is [illegible] interested proxies, who pay for the liberty of [illegible] timber, and by whose very payments we can, when we need them, purchase their own products cheaper than we can ourselves grow them. It matters not for my present end under what head it is considered desirable that the money obtained by these means should appear in the accounts, so long as I am practically allowed to use it for the

protection of this special product—fire-wood and timber—till such time as these reserves are in such a flourishing state as to yield a surplus to the general revenues of the State; that these will eventually yield a surplus, and that a very material one, I am convinced. I am entirely indifferent as to fire-wood above, because I would propose to sprinkle timber amongst the fire-wood species, and allow it to stand when the fire-wood alone is systematically cleared.

7. [illegible] the proceeds of the proposed 6-Anna assessment I am not yet in a position to say. Post [illegible] that the proceeds from the other items mentioned above would be as follows:—

	Annually.
Fire-wood [illegible] Sandalwood [illegible]	10,000
Other [illegible] [illegible]	3,000
Wattle [illegible]	
Collection [illegible] which must shortly be fully established	2,000
	15,000

8. But I should like the Board's sketch of the manner in which I would propose to conduct it, in order that they may be in a position to judge whether the outlay would be a wise and economical one.

9. I would place each taluq under its Tahsildar, give each Tahsildar an extra Inspector on [illegible] or Rupees 30 a-month, and add Rupees 2 a-month or thereabouts to the pay of each Potail (head of a village) in whose village there are plantations. This slight increase to the present miserable stipends of the Potails would be to them a boon, tending to improve their status, love of office, and general usefulness, and would, at the same time, purchase the most economical and the most effective co-adjutors we could have.

10. The reserves I would protect by a thorn hedge and one or more watchmen according to the dimensions of the reserves. I find* that whether the plot be enclosed by a wall or thorn hedge a watchman is still necessary, and, under such circumstances, it seems more economical to make use of his time in keeping up the hedge. The villagers in some localities pay Rupees 50 a-year for a watchman to guard some fifty acres, and I can get them at the same rate.

11. The duty of the Potail would be to see that the watchman was regularly at his post and that the villagers respected his position. No one else could do this so well as the Potail who would be always on the spot and be the influential man of the village. The Inspector going his rounds from time to time would take notice of any negligent Potails and generally superintend pruning, clearing, and fencing operations and sales. The Tahsildar and the covenanted officers would again exercise a check over the Inspectors.

* Vide paragraph 12 of my letter, dated 6th September 1865, No. 827.

12. But these arrangements all hinge on the villages and the forests being managed separately; the former being under Village Forest Committees directly under the immediate charge of the Collector, and the latter only brought under the Forest Department, which would consequently be required to exercise a supervision over the forest proper and to leave the villagers the use of grazing and other rights under the Tahsildar and other Revenue-officials. It will be found in many parts of the district that we have large uninhabited or almost uninhabited tracts of forest, from which the villagers get from the coppices in the neighborhood of cultivation.

13. If not thus separated, it would seem that the forest officers should be more intimately connected with the Collector's establishment than they are at present nominated to him; for unless the Collector is kept thoroughly informed of all that is done, he can scarcely be interested; and if he is not interested, the subordinates will only afford but partial co-operation.

14. If this latter arrangement were made I also think there would be room for the Assistant Conservator in supervising the details and accounts of all the temporary operations, whether on the coast or elsewhere, and would like to see them after the damage of the past has been restored, and the timber to be cut and disposed of when they are again in a healthy state, not 1 Rupee of all forest proceeds should be spent out of the district.

15. But whatever arrangement the Board may think wisest I hope they will see the necessity for losing no time in coming to the rescue of the Canara forests, and of the woods and forests generally of this district,—a district so peculiarly well suited to the growth of such valuable products.

16. A further ground for early intervention on behalf of South Canara may be seen in the accompanying letter,* indicating the destructive action of the Department Public Works since I was wrote. The marginally quoted order is the one on which Colonel Walker relies, and which I overlooked.

* To Colonel Walker, dated 17th October 1868, No. 987A.
From Colonel Walker, dated 16th March 1869, No. 55.
† Board's Proceedings, dated 20th August 1866, No. 5,905, paragraph 3.
Board's Proceedings, 30th January 1865, No. 490, paragraphs 1 to 3.

17. The present Assistant Conservator has also pressed me to cut another valuable timber on the reserved kumaki list, on the ground that it is better rapidly cut away. My reply is that such nominal protection will not really preserve the trees, and that my experience of the district is that the result of the present state of intricate and uncertain ownership is that everything worth cutting is being cut away.

18. The accompanying list of landlords punished criminally is to us a painful one. They are all kumaki holders, who have committed the crime of cutting reserved timbers in their kumaks. It is a sad list of prosecutions, but the forest officers are urgently pressing, and a quarterly return of convictions is regularly submitted to the Conservator of Forests.

19. I have many applications for land on low assessment for the growth of fire-wood awaiting disposal.

Enclosure No. 1.

List of Forest Offences in which Fines have been levied or punishment by the Magistracy for offences reported by Forest Peons Received Daily in the Division of South Canara, for the fortnight ending 31st August 1874.

Date of Occurrence and Place where committed.	Number of Persons Convicted.	Nature of Offence.	Punishment awarded.
[illegible]	1	Cutting a jackwood in kumaki land.	Fined 10 Rupees.
[illegible]	1	Do. do.	do.
[illegible]	2	Do. do. reserved timber	do.
[illegible]	1	Do. do. reserved sandal on kumaki land.	Fined 6 Rupees.
[illegible]	1	Do. do.	Fined 2 Rupees.
[illegible]	1	Do. do.	do.
[illegible]	1	Do. do.	Fined 4 Rupees.
[illegible]	1	Do. do.	do.
[illegible]	1	Do. do.	do.
[illegible]	2	Do. do.	do.
[illegible]	1	Do. do.	Do. not fined.
[illegible]	2	Do. do.	Fined, one 6 Rs. and the other 2 Rs.
[illegible]	2	Cutting a sandal jackwood in kumaki land.	Fined 10 Rupees.
January 1869, Kumbla Village	1	Cutting and removing timber from kumaki land.	Fined 6 Rupees.
January 1869, Kumbla Village	1	Cutting and removing timber and about 50 Rupees worth of firewood from both the kumaki and Government lands.	Convicted and fined 50 Rupees.

Mangalore,
2nd August 1869.

(Signed) H. S. THOMAS,
Acting Collector.

Enclosure No. 2.

From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Superintending Engineer, 5th Division, Cannanore, dated Mangalore, 17th October 1868, No. 987A.

IN support of information laid in reference to two complaints lately presented to me by certain land-holders in Mangalore Taluq that the Agents of your department have felled not only reserved timber on kumaki land, but also many other trees of an unreserved kind grown by them on such lands, and to which Government have no right,* A copy of the Tahsildar's report† on this subject is enclosed.

2. As one granted in your letter, No. 20, of the 15th July last, I have already addressed Government, through the Board of Revenue, on the subject of relinquishing the right of Government to reserved timbers growing on kumaki land, and, in the meantime, it would be well if your subordinates would abstain from felling on kumaki land, as proposed in my letter of the 8th July last; for you will see that the now-instanced trespass on kumaki rights, whether intentional or arising from ignorance, is equally an ill use of the privilege granted. I have the honor to request you will also issue early instructions to your subordinates to return the wood wrongly felled.

* Only six timbers are specified as reserved timber in paragraphs 7 of Rules passed by the Board of Revenue in Standing Order No. 1, dated 26th May 1865, Revenue Department, printed in the Fourth Series, page 140.
† Dated 5th August 1868, No. 858.

From Colonel G. W. WALKER, R.E., Superintending Engineer, Tanjore Division, to the Acting Collector of South Canara, dated Madras, 14th March 1870, No. 1,105.

From inquiries that I have made on the subject of your letter, No. 1,554, of 7th December 1868, I am led to question the correctness of the statement made at the meeting on the 4th instant to the effect that Government have no right to unreserved timber growing on lands held on

2. I have not, therefore, issued any such order to the Forest Officers in South Canara as that requested by you, maintaining that no trespass was committed by those who cut timber wrongfully felled.

(True Copy)

(Signed) H. S. THOMAS,
Acting Collector.

From H. S. THOMAS, Esq., Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 25th March 1870, No. 364.

With reference to the enclosed letter* on a subject which I have now presented correctly for eighteen months, I am loath to leave the district on furlough without placing on record my opinion that the instructions of Colonel Pitts already brought to notice in one of the loudest and most general complaints of the cultivators of South Canara, and my conviction that a very large increase of revenue to the State, as well as of wealth and prosperity to the people, would result from the extensive waste lands of this district being brought under fire-wood and timber cultivation. In short, it seems to me that of all the districts in the Madras Presidency it is in many ways the best fitted to supply the daily increasing demands of its own and the sister Presidency of Bombay.

2. In allusion to the views advanced in the enclosed letter, I may remark that there is scarcely a room for "great doubts whether any of the inhabitants would avail themselves of the privileges" I have proposed "to any extent;" for there are already so many applications that though I at first commenced to dispose of them, as reported in paragraph 4 of my letter, No. 1,105, dated 18th November 1868, their number is increased, so that subsequently I thought it not advisable to dispose of them even temporarily till the Board's orders on the matter were received, and I hear verbally on every side that if only the matter is settled many more applications will at once be made.

3. With reference to the view that "the growth of timber would hardly be taken up by the natives when no returns can be looked for within 15 or 20 years," I have only to say that facts are stubborn arguments, and that they are on the side. Many of the kumkis abound with that valuable timber, Kralbogi,† and till the Forest Department and Public Works Department entered and cut them freely under the eyes and against the entreaties of the growers, several

* From Officiating Conservator of Forests, dated 28th February 1870, No. 1,963.

† To Board, 5th September 1868, No. 327.

† These still exist only because they are on unreserved timber, and therefore not one that Government has reserved the right to cut for itself and for sale. Hence they have been safe from the Forest and Public Works Departments, though even these have suffered from the general belief in insecurity.

other valuable unreserved timbers were also plundered. The action of these two departments has been to remove from the eyes of the district what private interests have valued.

4. That any proposals for saving indigenous species of timber in kumkis would be "very detrimental to the interests of cultivators," and lead to "the entire destruction of the plants of the district," is a view I venture to question. Whatever may be the cases of officers who have served only or mainly in wet districts, I think I have already succeeded enough to convince them they have no applicability to a country so essentially pastoral as South Canara for the growth of timber and fire-wood.

5. With reference to the condition that "no Ryot would preserve a piece of kumki forest for his own use," I have only to repeat what I have already urged that the interests of indigenous species to the general exclusion of the rest in South Canara. There is such a passion as the love of property if only it be *stable*, and in South Canara there is indeed the pride that loves of "ancestral oaks."

6. The anticipated evil, that the Forest Department would virtually have nothing to say to the forests of the plains, would not, in my view, be an unmixed one. Under certain circumstances it might be a very great advantage, and why the forests of the plains should receive their chief attention in preference to that of interested persons I see not.

7. I think it is unsafe to say that the forests proper of the mountain ranges or ghauts "conserve themselves." My idea is that the very great majority of valuable timber would long ago have been cleared out by the Forest Conservancy Department that has indeed existed in many places, were it not that trees of sufficient age to seed are left therein, and that consequently these forests are being renewed under nature by the seeding of trees that are comparatively worthless, while valuable timber-trees are not renewing themselves.

8. Kumaki can scarcely be said to be undefined, and kumaki once exhausted could not be repeated at pleasure. I have made it a great point to guard against such rambling rights and to define to perpetuate rights with the special object of arousing an individual interest in the owner and of providing against encroachment for the Government.

9. I am fully alive to the whole question being a difficult as well as an important one, and, while urging my own views, do not wish to be thought to under-rate the weight to be attached to the opinions of an officer holding opposite views.

10. It is with great regret that I leave Canara with this question and the somewhat similar kumari question undecided. The district calls urgently for a decision.

Enclosure No. 1.

From Major R. H. BEDDOME, Officiating Conservator of Forests, to the Acting Collector of South Canara, Mangalore, dated Ootacamund, 28th February 1870, No. 1,963.

In reply to your letter, No. 1,554, of the 7th of December 1869, I have the honor to inform you I fully approve of your proposal that lands not fit for cultivation and not required by the Forest Department should be given out on cowles at 6 Annas per acre for the growth of fire-wood and timber; but I have great doubts whether any of the inhabitants would avail themselves of the

privilege to any extent, the growth of fire-wood would very
and the growth of timber would hardly be taken up by the
for within fifteen or twenty years. Your desire to
that, with ordinary attention to existing forest and
sary, except perhaps for fire-wood near large towns and the

2. Your proposals to give to the ryots the
kumaki would, I am afraid, be very detrimental to
out it would in time lead to every ryot registering in
soon spring up, and then the entire destruction of
question of time. No ryot would preserve a grove of kumaki
make a large immediate profit by felling it, and the Government
nothing to say to the forests of the plains which really
forests of the ghauts conserve themselves. The only
cultural implements and buildings, and leave and
selling the wood I do not see where it is to end. On the
and when a ryot had cleared off his present
adjoining forest. Kumki is besides so defined as
forest may become kumki if wet cultivation is established
that the privilege would lead to endless thefts from Government
could be large enough to check it.

(True Copy.)

(Signed) H. M. [illegible],
Acting Collector.

From A. McC. WEBSTER, Esqr. Officiating Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 8th July 1870, No. 905.

The annual survey of the kumeri cultivation in the Beltangady Talug for the past fasli has been so unsatisfactory that the closing of the Jummabundy accounts has, in consequence, been delayed. I hope, however, to be able to include the demand in the Demand, Collection, and Balance Statement for June.

2. The kumeri was at first surveyed as usual by the Beltangady and Monigars from the Kundapur Talug, but on their work being inspected by the Deputy-Tahsildar and Revenue Inspectors it was found that their measurements were too low. A fresh return was, therefore, submitted. To this the kumeri wargdars objected on the ground of excessive measurements. My predecessor, therefore, directed all the kumeris to be again remeasured. The result of this second remeasurement shows that the first remeasurement was too high in some cases. I, however, very much doubt the accuracy of this last measurement, as the result appears, in the majority of cases, to have been the splitting of the difference between the first pymash and the remeasurement.

3. It is not, however, with reference to the present year's work that I wish to trouble the Board. I have only alluded to it to show the uncertain nature of our present means of ascertaining the extent of kumeri cultivation and the impossibility of obtaining even tolerable accuracy in the measurements. This survey upon survey cannot be allowed for the future, and the only remedy that I can see for this state of things is the allotment of blocks of jungle to the wargdars. The Board in their Proceedings, No. 1,664, of 24th June 1868, recommended, as the

was made. It was reported on to the Board [illegible] March 1801, with details and [illegible]

18. In this report occurs the following [illegible]

Paragraph 9.

It is a particular kind of jungle or underwood [illegible] down and burnt to manure the soil, [illegible] spot is not cultivable two years running [illegible] cattle is all the ryot obtains from it [illegible] it grows to jungle again in the [illegible] landlord lets it again to whoever will farm it [illegible] cultivated by the *Tellar* caste. If one [illegible] can manage, they pay the landlord one [illegible] and their wives, they pay two fanams, and so on. [illegible] If they are in want of rice, which they usually are, [illegible] morah or congee for which they pay him two [illegible] reap the fruits of their industry. They generally [illegible] for, as this kind of land is generally on hogars [illegible] grounds, it is expected that they will watch and prevent [illegible] tive animals from straying into them. The amount of [illegible] great, being chiefly in the Mogannies which border on the ranges of [illegible]

Paragraph 11.

19. [illegible] the most [illegible] the provinces of Canara [illegible] observes:—

"The waste land is divided into four sorts, the first of which is called 'correy' having been once in cultivation, but left waste in consequence of the inability of the ryots, occasioned by the oppressions of former governments. It will soon become so, as the *shist* will be levied on a certain portion of it every year. Very little of it as may be supposed is of the first or second sorts [illegible] when the farmer found his means decreasing, and was obliged to quit any part of his land, he would naturally retain the best in cultivation. Some part of this land, however, is now kept for grass and plantations of trees. The second sort of waste, called '*hagar kanzer*' is land supposed to contain ability for cultivation if levelled and prepared. The third sort called 'puramboke' is the space of ground occupied by rocks, houses, and villages; and the fourth description is entirely jungle."

20. From the Abstract Statement of the entire area of the Malgany surveyed, which accompanied the report, it appears that the estates (940 *cattahs* or holdings) comprised as follows:—

Under cultivation,	30,935	gunthahs of wet land.
	1,094	,, of garden.
	2,563	,, of dry land.
Waste,	6,944	,, *nellarai* (fallow) wet waste.
	8,099	,, *hagar kanzer*" or fit to be reduced to wet cultivation.
	4,597	,, Puramboke.
	253,625	,, Forest.

21. [illegible] the survey [illegible] and described [illegible] and [illegible] measurements [illegible] the [illegible] of a [illegible] the [illegible] of [illegible] which, [illegible] the [illegible] are [illegible] [illegible] [illegible]

the Sandal grows have been sent for to the cutcherry, and ordered not to threaten to cut down the wood for the use of the Circar wherever it grows. There is, therefore, no interruption to be apprehended from the ryots and petty renters holding the ground of private individuals."

26. In describing Harry Row's early settlement contained in the Collector's letter noted in the margin, Mr. Ravenshaw, paragraph 12 of his report, remarks:—"The settlement was made on the same principles throughout the country. Though the reference to this time is only from the above-mentioned reasons (viz., *pertinacious adherence of the proprietors and petty chiefs to their rights and privileges, and opposition from their Rajahs and relations on the occasion*) imperfectly known, it is evident that the settlements were then made on the same principles with those obtaining in South Canara. The settlements have been conducted with less attention and more favorably to those landholders living under their different Rajahs. The great share of the grass produce which the landlords of the parts of about Mulky, Karkal, Bungul, Mangalore, Moodbidry, Vittel, and Coombla, enjoy in proportion to those of Soonda and Balnore, serves to confirm this belief."

From Collector, South Canara, dated 24th September 1802.

27. With reference to the contemplated introduction of the permanent settlement Mr. Ravenshaw describes the different subordinate tenures and their incidents under Canarese landlords. They are in the main generally analogous to those of Malabar and Travancore, and arise out of the same communal proprietary condition of land in both countries. Mr. Ravenshaw outlines Major Munro's views as to the practicability of the permanent settlement in Canara, "for without annihilating all the just rights of the present landholders, which they enjoyed for centuries, I see no way whatever of conveying a proprietary right to a great landlord, to any small estates placed under his collection." * * * * the only inducement any one would have to take on him such a charge would be the allowance in money, remission of rent, and other remuneration granted by Government."

Paragraph 38 to 43.

Paragraph 44.

28. The letter noted in the margin contains the remarks:—"I am not yet prepared to say how long the rewards (*to private landlords for conserving the Sandal on their estates*) proposed to be given ought to be continued; but shall do so when further inquiry has been made. Wishing to contract with the proprietors of private grounds for the care they may take of the trees till they arrive at perfection, * * * I circulated a short proclamation to be promulgated through each district, confirming the promise I had eventually made the inhabitants of giving rewards to such as would take care of the trees and extend its growth." The Collector also reports having deputed his Assistant to proceed in person through the districts for the purpose of inspecting the trees on private grounds, and to encourage the ryots everywhere to preserve and increase the growth of the Sandal, and to explain the value which the Circar sets upon the article. His being so employed, together with the punctual payment, I shall observe,

From Collector, South Canara, dated 24th September 1802.

will continue the ryots and petty renters in the present state of mind, and encourage them to cultivate the Sandal with more attention and care for distinguishing their lands and private property from the Circar land. The result of this representation was that the rewards were continued on record. The Collector notices also the various kinds of trees, inferior in quality and classed in Canara as comprised with those of Mysore, and the difficulty of the Sandal tree. He reports the existence of Sandal trees on the estates of Nundy Bettoo, Bullal, and Kundapore, but does not discriminate those growing on private property from those on Circar land, probably as none existed on the former at the time of his report.

29. In their general letter, dated 5th October 1802, the Board of Revenue observe with regard to Mr. Ravenshaw's report, noted in the margin, that "the Circar, such as it is, must be considered the proprietor of the whole country, although it has never been considered the property of the Circar, such as it is, but has always been considered the property of the cultivators of the soil, who have been allowed to transmit their property to their children, and sell it, or mortgage it, and it never became an object of Circar enhancement. The Hindu law ordains, and custom has established the rights of the proprietors of land, and it is the duty of the Circar to enforce them, and prevent any new ones which should be entered and altogether extinguish the old. The system of each landlord, and a rule prevails for every fifty bearing trees to leave one of the finest."

From Board to Collector, 5th October 1802.

30. In their general reports, dated 5th January 1803, the Board of Revenue observe that "Harry Row has been very particular in his account of the Canara landholders, and has evidently taken much trouble to collect information on the subject. The Board are of opinion that these tenures, which prevail in the two divisions of Canara, and which much resemble those in the former provinces. The persons holding land are divided into three classes by the Collector, namely, the landlords or proprietors of the soil, the *Mulwarees* or tenants in perpetuity, and the *Chalgaiga* or tenants-at-will." These letters are accurate description of each tenure, showing their analogy with those prevailing in Malabar, and all having their origin and reason in the proprietary condition of all landed property on the West Coast.

From Collector, dated 16th April 1803, paragraph 13.

31. Describing certain surveys of estates conducted in Kundapore Taluq in the year 1802, the Collector remarks that they comprise "only the number of guntas capable of cultivation; for it would have been impossible to survey the rocky and mountainous parts of each estate. Besides, it would answer no good purpose to exhibit the waste upon estates for which no remission is demanded, as they ought, in all cases, to pay the full rent. But in appreciating the landlord's expenses and profits all sorts of waste are taken into account as yielding pasture, manure, and fire-wood from the trees and jungle with which they are covered, and are procured at no expense. There is, therefore, no part of an estate in Canara from whence some advantage or profit is not derived."

From Board to Collector, 26th July 1802.

32. The eastern Maganies of Buntwal Taluq, Sullyah, etc., were transferred to the Rajah of Coorg in the middle of 1803. They had till then always formed an integral part of the province of Canara, and were included in the districts of the Vitla Hegada, Coumbla Rajah, and others.

33. With a letter, dated 24th June 1803, the Collector of North Canara, 24th June 1803.

Abstract of Statement

	No. of Trees.
Private gardens containing Sandal	1,127
Circar do. do.	127

He also recommended the formation of Sandal plantations on waste land, and that a Carkoon would be appointed to each village, whose duty would be to go from one estate to another examining the trees, and to warn the owners not only to preserve the young trees already growing, but to plant others; for it now appears to be the best method of providing eligible situations for raising Sandal, on account of the general knowledge and the residence of the owners. They are also ordered to see that no increase of trees may be brought about. The Salaries of these Carkoons and Government vedettes were not, of course, forwarded to the Board until the loss been lost in the rainy entelligence and because all the other vouchers destroyed through neglect or during the rainy season.

34. In 1804 the Collector reported as follows:—"Ankola Havaldars, considered the same of sandal on which Sandal trees are growing, from a Sandal Tree, the Havaldars gave them a present of one pagoda for every twenty trees, encouraging them strongly to cultivate and preserve them. I wish to do the same to the owners of trees in Soondah, Banawasie, Bilighe, and Gudigeree, as I think it will have a beneficial effect on the increase of trees, and give me a kind of right to grant exemption towards them." The question was sanctioned and funds placed at the Collector's disposal for the purpose.

From Collector, North Canara, dated 1st March 1804.

35. Again in 1805 the Collector submitted a fuller return of Sandal trees in the northern talups of Canara, the result, doubtless, of fuller inquiry, from which it appears that there were 594 private estates on which trees were growing, while there were only 61 Circar estates and forests containing Sandal trees; also that pecuniary grants were paid to the proprietors of the 541 for preserving the Sandalwood growing on their private estates.

From Board of Revenue, 16th May 1804.

From Collector, 15th May 1805.
Abstract of Statement.

			No. of Trees.
Private estates ...	...	594	12,930
Circar do.	...	61	2,221
Other jungles ...	...		6,115

36. In their general letter of 1804 on the subject of Inams in the district of Canara, the Board states: "His Lordship observed, however, that it was not his intention to interfere with the private donations of the landlords to individuals, or with land, the proprietary rights in which may have been conferred on the Inamdars by Sunnds of Government." The same letter recites that with a view to compensate the Rajah of Coorg by an

General letter of Board of Revenue, dated 20th July 1805, paragraph 458.

annuity of pagodas for the expense incurred by him in providing supplies for the British troops during the late war, Marquis Wellesley in Council was pleased to resolve that the districts in the province of Canara specified in the margin (1) be transferred to the Raja of Coorg and his descendants as hereditary lands, the consideration being the annual tribute of an elephant."

37. In their Revenue letter, dated 24th August 1805, the Honorable Court of Directors of the United [illegible] we cannot reconcile our [illegible] with the system of Malabar [illegible] to what is stated in the 17th paragraph of the general report of the Board of Revenue, dated 31st January 1805," when, with the Conquest of the country transferred by treaties, there appears to be no Circar or Government lands in Malabar, but every proprietary right preserved throughout the province." The purpose to be nearly the same in the province of Canara. In forming the materials, therefore, at a distant period for a perpetual settlement of the provinces of Malabar and Canara, great care will be necessary to be observed in the minor points previous into Collectorships. Major Macleod's information [illegible] hereditary right would appear correct,—lest you should interfere with rights which have hitherto been considered as inviolable, or disturb those ancient boundaries or land-marks which to this time have determined the extent of hereditary property, and by which the proprietors of land have been governed from time immemorial." And again in paragraph 37: "We shall [illegible] that proprietary rights in the land of Canara had been derived from a very remote period, and the existing knowledge and estimation of the value of those rights among the contending claims of the competing proprietors induced the many means of introducing a permanent system of revenue and jurisdiction. We likewise observe that, previous to Hyder's conquest, the districts were divided into small estates which were considered the actual property of the holders and assessed at a fixed moderate rate. When we consider the attachment of the proprietors to the land of their ancestors, we recommend to your most serious attention the observation contained in Major Munro's report of the 9th November 1800, respecting the impolicy and injustice of uniting a number of small estates under the collection of one head landlord. * * * It were best to adhere as nearly as possible to the division which at present subsists; to conclude the settlement with the proprietors of small estates, and not so break in upon ancient boundaries or land-marks, lest any attempt at innovation may be productive of disquietude and dispute,—especially as almost all land in Canara is represented as private property derived from gift or purchase or descent too remote to be traced, where there are more title-deeds and where the validity of those title-deeds have already stood more trials than all the estates in England."

38. In their Revenue letter of 1805, the Honorable Court observed, "with reference to the desire of the local Government for the early introduction of the permanent settlements into the already proprietary district of Canara: "From your description of the state of landed property in Canara, it is certainly true, as you observe, that the grand principle of

General letter of Court of Directors, dated 5th November 1806, paragraph 125.

the perpetual settlement is already established there. The only things wanting, therefore, is an accurate knowledge of the value of the lands and rents on which the country appears to be apportioned, in order to the fairness in proportion of the share which the Government is to derive from them. If you think that this knowledge is already acquired by our servants, we shall not refuse to accord the permission you desire to form the perpetual settlement of the Canara districts without further reference to us. But if there is any doubt whether the rents now already collected are the most accurate that can be obtained, we are of opinion it would be more advisable to arrive at the perpetual settlement gradually, by means of in the first place a settlement for five years. In preparing for either of these arrangements, you cannot fail to be perfectly alive to the important consideration which has now, as well as on a former occasion, been pressed by us, and also recognised in several of your late despatches, namely, the strict regard due to the proprietary rights which individuals in the district of Canara have, as it is said, from time immemorial enjoyed in the soil. Not only ought this kind of tenure, where it is proved to exist, to remain undisturbed, but the perpetual settlement ought not, for the sake of object or revenue division of the country, to place the smaller estates under any kind of subordination to the greater, or in all affect the boundaries by which property has hitherto been separated and distinguished."

N.B.—These, of course, was not on the Board's records.

39. Early in 1807, the management of the forests and control of the timber trade in Malabar and Canara were transferred to the Government of Bombay under the orders of the Court of Directors. The royalty of the former was assumed (as shown by the correspondence) in order to secure a supply of Teak-timber and Poon spars suited for ship-building purposes for the Bombay dock-yard and Her Majesty's Navy; and also to prevent the illicit supplies to hostile powers. And it was specially noticed that the Canara forests contained crooked Teak-timber suited for certain purposes in ship-building.

Board to Collector, 29th December 1806.

Chief Secretary to Government, dated 18th June 1806.

From Government to Board of Revenue, 20th December 1806.

40. Under date 29th November 1806, Mr. Thackeray was deputed to visit the Ceded Districts, Canara, and Malabar to ascertain, amongst other matters, "the nature of land-tenures," and "the rights of landholders in those provinces."

Under-Secretary to Government, dated 29th November 1806.

41. In his Minute on the subject of deputing Mr. Thackeray to Canara, Lord William Bentinck notices the tranquility and general prosperity of the country "formed in the tenure of landed property peculiar to that province," and moderate assessment; and he observed: "To what circumstances Canara may owe the preservation of its original tenures,—handed down through many ages,—I cannot at present say; but that they still exist is certain." Malabar, too, he added, was "no less remarkable for its landed tenures; and more so from the peculiar customs of its inhabitants."

Minute by H. M. G. dated 28th November 1806.

42. In his report, dated 4th August 1807, Mr. Thackeray treats fully of the tenures of land in Malabar and Canara.

Mr. Thackeray's Report, dated 4th Aug. 1807.

43. In treating of land-tenures in Malabar, Mr. Thackeray observes: "Almost the whole of the land in Malabar, cultivated and uncultivated, is private property, and held in *jenmom* right which conveys full absolute property in the soil. Many conjectures might be formed about the origin of landed property in these countries, * * * Malabar and Canara. * * Without going so far back into antiquity, who have had possession time out of mind; we find that they have enjoyed a landlord's rent; that they have pledged it for large sums." * * * * "Had the creditors ever doubted the validity of the *proprietary* title or imagined that Government would have called it in question, it is not probable that they would have risked their money on so precarious a security. Fixed rules established, time out of mind, for the transfer, lease, and mortgage of land; and where a regular system of common law has been established and observed time out of mind, and where it appears in general reasonable and applicable, it may be inferred that the object for which such a system was formed, exists. There is obstinate opinion and general tradition to confirm the validity and antiquity of the title. The neighbouring countries of Travancore, Bednore, and Canara, have the same institution, and nearly the same rules regarding private property, which never seem to have been called into question. Every public and private authority, except Tippoo, appears to have admitted this right. The British Government appears to have recognised it, and the people of Malabar have shown that they are able and willing to defend it with stronger arguments than words. At all events whether the right existed or not, it would be now impolitic and unjust to call it in question, so that I think it will be admitted that the Malabar *Jenmakars* do possess the full property in the soil."

In the general report of Board of Revenue, dated 31st January 1808, P. 178, the Board stated: "In Malabar, with the exception of a few estates forfeited by rebellion, the property is to be in Circar hands, individuals are generally prevailing throughout the province."

44. Mr. Thackeray then describes the various tenures of land and the lease-holds which obtain in Malabar under the *Jenmakar*. They are in the main precisely the same as exist under the *Mulgar* of Canara. "The strength of the country along the ghauts is," he adds, "the true cause of the existence of private property in the soil which the inhabitants of Bednore, Canara, Malabar, and Travancore, not only claim, but have been ready to support by force of arms."

45. On the subject of land-tenures in Canara, Mr. Thackeray observes: "The greater part of the lands in Canara are private property. The former and present state of private property has been so amply discussed by Major Munro that it leaves me little to say on the subject. Original inscriptions on stone and copper prove the antiquity of this venerable institution. They consist of grants of ancient princes to pagodas, etc., granting the land-tax derivable from certain lands and villages, thus transferring the land-tax from the treasury to the individual grantee; but the property in the soil was not granted, because not possessed or claimed by

the prince. When he gave the absolute property in the soil, the Sanad expressly mentions the previous purchase of the right." Mr. Thackeray considered that the existing records, Black Books, etc., afford undeniable proof of the antiquity of "the institution, and show that the lands were private property." * * * * "The different princes of Bednore, Bejanagger, and even Mysore, never seem to have questioned the general rights of the people, though an arbitrary assessment and individual acts of oppression may have rendered some private estates less valuable." He remarks that the evidences of prescriptive right and proofs of the validity of their titles, as well as the rules for the sale, mortgage, and lease of land, all shew that land has long been private property." Mr. Thackeray adds: "It may be said that original grants conferring the right of property to the original grantees should be produced;" * * * * "but it may be answered that perhaps in no country,—at least in no country long settled and civilised,—do such original grants or title-deeds exist. The sovereign may have granted away escheated estates or unclaimed lands, and such grants are to be found in Canara and in Europe; but if the rights of individual proprietors at large were traced up, or rather, if private rights in certain lands were traced up, they would soon be lost in antiquity, and prescription would be found the general original title. Deeds transferring land are to be found in Canara and in England; grants conferring Circar lands are forthcoming in both countries; but perhaps in neither country original grants or deeds conferring or establishing the primitive right of private property in the soil could be found; for they most likely never existed." * * * * "Indeed, no person who has seen Canara or considered the subject can doubt the antiquity and validity of the titles of Canara landlords; and any Government that would attempt to overturn it would act like the French Government when it confiscated the private estates of the nobility and church."

N.B.—The Black Books, etc., which had survived in the hands of the people and Shanbhogues, were collated in 1859 by Major Munro, and laid up in the public offices where they have been destroyed.

46. Mr. Thackeray describes the different tenures and lease-holds of Canara, including the *Mootgoonj* tenure, and, contrasting the sale value of land and the nature of land-tenures in Malabar and Canara, sums up as follows:—"On the whole, the state of landed property is nearly the same in both these provinces. The property in the soil rests in individuals or rather in families. Transfers, mortgages, and succession to lands are generally regulated on the same principles and by similar rules, except where violence may have rendered property less valuable, or the different rules of caste and place may occasion different customs."

47. Referring to the contemplated introduction of *Mootahdari* settlement into Malabar and Canara, Mr. Thackeray remarked: "In this case the Government would do to the *Mootahdar* what former sovereigns of Canara did to the *Inamdars*—assign to them the land-tax payable from such and such lands without giving them any interference with the land-holders. * * * It would be a financial operation, something like the mortgage or sale of the land-tax, with all the advantages and disadvantages of the farming system."

From Govt. to Board of Revenue, dated 1st January 1808.

48. Early in 1808, the Government of Bombay applied to have the timber-trade of Canara exempted from export duties.

49. In the same year the Magistrate of Canara reported as follows:—"The sovereigns of Canara, from the earliest period that information can be procured, have invariably reserved to themselves exclusive right to the article of Sandal, whether produced on estates the property of private individuals, or grown in jungles, or other land the property of the Circar. The loss sustained by the ryot from this assumption was not formerly counterbalanced by any allowance or remission granted in consideration thereof, nor was he relieved from the care and trouble he might, if left in quiet enjoyment, have naturally been expected willingly to have devoted to the growth of the commodity. On the contrary, it appears that, while prohibited under the severest penalties from appropriating the smallest quantity to his own use, he was compelled to nurture it, and a responsibility of the most binding nature imposed on him for the protection of the trees on his estates, even against the predatory attacks of his neighbors. When the Honorable Company became the sovereigns of the provinces, the same exclusive right was reserved and the same responsibility imposed on the ryot. An allowance, however, was made him for the number of trees on his estate, the acceptance of which not only transferred his right to the property, but rendered all attempts at embezzlement criminal." The Magistrate reported a special case of detected illicit traffic, and requested instructions whether if the case was to be tried before the Circuit Court, as such prosecution "without the special authority of Government to that effect had on one or two occasions been called in question." The Collector was instructed not to prosecute, unless conviction were likely to follow. Criminal prosecution was dropped.

General letter of Board of Revenue, dated 8th October 1808, paragraph 762.

50. In the latter end of the same year the monopoly appears to have been more or less relinquished as unprofitable, and the Collector, observing that "the practice of collecting and transporting Sandal from hence being discontinued," requested permission to allow a private merchant to export some which he had on hand. This was permitted.

From Collector to Board of Revenue, dated 8th October 1808.

51. In their Revenue letter of 1808, the Board remarked, with reference to previous correspondence as to systems of revenue economy then under discussion:—"The provinces, we observed, subject to the Government of Fort St. George,—with the exception of Canara, Macabar, and other districts in which the traces of private property still existed when they came under our Government,—exhibited nearly the same system of private property and revenue policy. The land was the property of the Circar and of the ryots. The interest in the soil was divided between these two. But when the Circar's share absorbed nearly the whole landlord's rent, the ryots possessed little more interest in the soil than that of hereditary tenancy."

Revenue letter, dated 6th February 1810, paragraph 164, (Revenue Selection, page 511.)

52. The Honorable Court reviewed in 1810 Mr. Thackeray's report "containing the result of his judicious and well-directed inquiries into the past and present state of Malabar and Canara," and added: "The whole of the facts and argument embodied in this report are undoubtedly worthy of your most deliberate consideration. In framing fiscal

arrangement applicable to the existing state of society in Malabar and Canara, it is important not to lose sight of the strong ground upon which the proprietary rights of the land-holders in those provinces are founded. By attempting to introduce an intermediate class of persons (call them Zemindars, Mootahdars, or what we may) between the Government and the Jenmakars and the hereditary proprietors of the soil, we should not be creating an order of great proprietors of the soil,—since we have not property in the land to confer, with the exception of some forfeited estates,—but we shall be raising up a set of farmers of revenue with interests distinct from, and at variance with, the interests both of the sovereign and the subject."

"Fortunately, the thriving condition of the provinces and the improving state of the public revenue under the present system of collection remove every inducement to hazard experiments upon a system which, though it may have inconveniences in common with every other system, a trial of several years has shown to be in its operation highly beneficial." And they observe: "The state of society and property in the Ceded Districts certainly differs in a material degree from that described as exists in the two other provinces visited by Mr. Thackeray. * * * Different gradations in the scale of social and in proprietary rights have from time immemorial, been established throughout India. They may be, and unquestionably are, susceptible of improvement, but this should be left to the slow operation of time to the application of superior skill and industry, and of capital accumulating under the protection of laws which secure to every individual the enjoyment of the fruits of successful exertion. Instead of trying to fashion society to our institutions, our aim must be to adapt our institutions to the state of society."

53. In his annual Report on the revenues of fasli 1209, the Collector accounted for the gradual decline of prosperity in the province and difficulty in collecting revenue to low prices.

From Collector to Board, 21st April 1810, paragraph 8.

"While," he adds, "the former spirit of trade is not exerted by the inhabitants, owing to the monopolies of Salt, Tobacco, and Timber."

54. Correspondence took place in 1811 on the subject of the relaxation of duties on timber, consequent on the transfer of the trade to the Bombay Government. The Collector of Malabar reported that "previously to the transfer to the Bombay Government of the control and authority over the forest and timber-trade in Malabar, the revenue the medium of the Sea Customs, by a duty on all timber and plank floated down to Calicut and other sea port towns, where they are disposed of for internal consumption or for exportation." Subsequently to the transfer in fasli 1206, the duty continued to be levied on all private timber, etc., but was, it appears, collected by the Conservator, "excepting, of course, what has been exported for the supply of the dockyards at Bombay." The same condition obtained in Canara.

Government to Board of Revenue, 26th March 1811.
Board of Revenue to Collector of Canara, 1st April 1811.
Board of Revenue to Collector of Malabar, 2nd May 1811.
From Collector of Malabar to Board of Revenue, 27th July 1811.
From Collector to Board of Revenue, 20th April 1811.

55. In their general report of 1812, the Board of Revenue remarked, with reference to certain contract transactions in regard to cultivating Teak-timber in the Soonda forests.

Dated 30th January 1812, paragraph 237.

(the North General) of the Conservator of Forests under the Bombay Government:

"We explained that we had occasion to refer to the correspondence which took place at the time when the superintendence of the forest and the control over the timber-trade was transferred to the Government of Bombay; and the propriety of permitting that Government to raise a revenue from the forests appeared to us to be questionable. The transfer above alluded to, we remarked, was made merely with a view of facilitating the supply of timber to the dockyards at Bombay; and it did not appear that it was intended by this measure to give the Bombay Government the advantage of the revenue derivable from the forests. Indeed, we observe the timber both of Malabar and Canara, so much of it at least as was intended for the dockyards at Bombay, was exempted from the payment of duty at the express request of that Government,—a request we conceived which it would not have been necessary to make had the transfer of the superintendence and control of the forests and timber trade been considered to include a transfer of customs." But, as they added in paragraph 238, "it would be seen (*from the correspondence of the Collector of Malabar*) that the duties on timber formerly levied by the Collector of Sea Customs are now collected by the Conservator of Forests and carried to the account of the Bombay Government. And we apprehended that the same system obtained in Canara.

56. In 1812 the Select Committee of the House of Commons reported to the House in the following terms:—"In describing the tenures under which the land is held, and the rights of those connected with it in that extensive description of the modern possessions under the Government of Fort St. George which forms the subject of the present head of their report, the Committee will first draw the attention of the House to those which are found to obtain in the provinces of Malabar and Canara. The lands in general appear to have constituted a clear private property, more ancient and probably more perfect than that of England. The tenure as well as the transfer of this property by descent, sale, gift, and mortgage, is fortified by a series of deeds, equally various and curious, and which bear very strong resemblance in both parts of the country. The proprietary right is vested in individuals or in co-partnership of persons, each of whom possesses an inalienable interest in the estate, proportioned to the share of the property of which he has become possessed." Then follows a description of the tenures and leaseholds, and of the conditions of ascheut in Canara; of the permanence of the rights connected with land and the care with which the evidences of those rights were preserved. They record how the demand "during the Mahomedan Government of Mysore was so great and the exactions of its officers so severe as to have, in some degree, annihilated the old proprietors and diminished the quality, though it did not alter the nature of property." In respect to Malabar the Committee observe: "In Malabar where private property has also existed from the most ancient times, it is distinguished by the name *Jenmom*,

Fifth Report from the Select Committee, Madras II, page 77. (Higginbotham's Edition.)

signifying birth-right. The forms of mortgage, of temporary transfer and conditional possession which are necessary to be gone through before a deed of complete sale and unlimited alienation of the land from its owner can be effected, are of a similar kind to those described to prevail in Canara, and evince strong attachment to such land and reluctance to part with it." The tenures and households of Malabar are likewise fully described, and their analogy with those of Canara clearly shown. And in tracing the history of Malabar the Special Commissioner observed: "From the time, however, that the province became subjected to the tyrannical and rapacious domination of the Mysorean sovereigns, of whom the more fate as the neighbouring country of Canara. The military power of the sovereigns was exerted to extinguish the authority of the Rajahs and establish throughout Malabar the same system of revenue which prevailed in the other parts of their territories. Assessment was superadded to assessment, which, with the private exactions of the officers of the Government, had very equally reduced the value of landed property, and, in many places, had altogether destroyed it."

57. In their general letter of 1812 the Honorable Court wrote, with reference to their despatch dated 24th August 1808, and in allusion to the settlement of Malabar and Canara: "Great caution should be used, lest you interfere with rights which have hitherto been considered invaluable, or disturb those ancient boundaries of land which have long had determined the extent of private property, and by which proprietors of the land have been governed from time immemorial. And in our Revenue letter also of the 16th November 1808, when referring to your request to be permitted to settle Canara in perpetuity, and when noticing the strict regard to proprietary rights which individuals in Canara enjoyed in the soil, we took occasion to state that 'not only might this kind of right where it was proved to exist to remain undisturbed, but the perpetual settlement ought not, for the sake of official or revenue division of the country, to place smaller estates under any kind of subordination to the greater, or at all affect the boundaries by which property had hitherto been separated and distinguished.'"

From Court of Directors, Revenue letter, dated 16th December 1812, paragraph 12.

58. In 1813 it was determined, under instructions of Supreme Government, "to remove all existing restrictions with regard to the exportation of timber and to ship-building on the Malabar Coast."

From Government, to Board of Revenue, 9th February 1813.

The freedom of trade in timber was restored to both provinces.

59. In their reply to the Honorable Court's letter, dated 16th December 1812, the Board of Revenue observed: "Adopting the sentiments recorded by Lord William Bentinck in 1806, it appears that the Honorable Court have taken Canara as the great land-mark by which they hope to trace out those principles and regulations which might be applicable to the settled districts where the permanent tenures are to be introduced. So far as Canara is concerned, as well as the adjoining province of Malabar, nothing has been done in contravention of those views. In these Provinces, when the land-tax is happily so moderate, and private property

Minute, Board of Revenue, dated 5th August 1813, Proceeding Selections, page 587.

in the soil is still preserved, it would [illegible] Permanent Settlement without any [illegible] provinces were exempted from the operation of the [illegible] the triennial and subsequently the [illegible] The system of annual assessment has [illegible] directly required. In Malabar and Canara [illegible] only in some cases of clear rent [illegible] produce or value of those estates. Land [illegible] has from ever perhaps to relinquish their [illegible] unless obliged by the most urgent necessity. [illegible] terms, though there are grounds for differing in opinion with him as to the [illegible] that 'private property in the land has never existed in India except on the Malabar Coast.'"

60. A serious falling off in the prosperity and contentment of Canara, consequent on [illegible] trade, was brought to notice about this time, and the Board pointed out "Wedderburn attributed the [illegible] and people had been unduly increased, as represented by him to the latter period of the Company's administration compared with what they were in the early part of the Company's Government."

From Collector of Canara, dated 1st January 1813.

61. In their general letter of 1815, the Board of Revenue submitted a summary of those arguments in favor of a fixed demand on the land in the following terms:—"The substance of these observations may be thus briefly expressed: that, in our opinion, the tendency of a fixed assessment upon the lands is beneficial not only as it regards the people, but as it regards the pecuniary interest of the Government; that it is not calculated to occasion the effect of which the Honorable Court appear to be chiefly apprehensive, the effect of fixing a limit to their resources; but that, on the contrary, the available resources of the State are likely to be, in reality, the more limited, so long as its demand on the land may continue nominally without limit; that, so far as the means of the people at large may enable them to bear additional taxation, the power of imposing it will not be wanting; that these means may be more or less circumscribed, but that whatever may be their extent, they are more likely to be improved to the advantage of the State where the assessment on land is fixed than where it is liable to be augmented. In illustration and support of the opinion we will adduce, as an example, the provinces of Malabar and Canara, where, though no '*permanent settlement*' has been formally declared by Government, the '*sentiment of the statute*' of the sovereign upon the land has long been considered as established. It is doubtless known to the Honorable the Governor in Council that the insurrection in Malabar in 1803 is supposed to have had its origin chiefly in measures which were pursued by a new authority for advancing the direct assessment upon the lands. The advance took place to a considerable extent, but was afterwards, for the most part, relinquished. Yet, since that period a sum much exceeding in amount any increase which could have been made, or which there was any intention to make in the rents of the land-holders, has been added to the annual resources of the province through a

General Report of Board of Revenue, dated 23rd January 1815, paragraphs 75—78.

more indirect medium of taxation. By similar means corresponding effects have been produced in Canara, and in both provinces the revenue is realised as peaceably as in any other part of our territories, and certainly with greater *regularity* and ease.

62. In 1814 the Collector submitted a full report on the state of Canara in which he quotes from Major Munro's instructions to his Assistant as described in his letter, dated 9th December 1800 as follows:—"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 (*N.B. Elsewhere in the same letter termed 'Warg'*) which may be held at an under-rate, and the rent of such waste land as may have been brought into cultivation." And adds: "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 appear now in our annual settlements." And, with reference to the "great regret" expressed by the Board in their Proceedings, dated 26th November 1813, to find that the circumstances of the inhabitants of Canara were not improving as was anticipated under moderate assessment, and their opinion that the burdens of the people, if excessive, should be relieved," the Collector discusses, "the causes which have contributed to render stationary, if they have not tended to depress the condition of the inhabitants of Canara" *(Board's Proceedings)*. He attributes the depression to the Salt and Tobacco monopolies, and to "the trade in Teak and other valuable timbers being completely prevented, and the duty on Poon-spars much increased."

General letter of Board of Revenue, dated 1st January 1814.

63. When called on, with reference to the inquiry instituted in 1814 into *Mirasi right* in the Presidency, for information on the condition of landed property in Canara, the Collector merely submitted copies of those paragraphs (15, 17, 23 to 25, 27, 29, and 31) of Major Munro's letter, dated 31st May 1800, which relate to the proprietary character of land-tenure in Canara, as describing accurately its existing condition and the usages of the country.

From Collector to Board of Revenue, 6th December 1814.

64. But on the same subject Mr. Warden, the able and experienced Collector of Malabar, submitted an exhaustive report on landed tenures on the West Coast and on the historical condition of society and of the land-tax and its incidents. He notices in respect to the tenure of land: "The resemblance (*to mirasi right*) is precisely similar in the prominent and essential qualifications which vest in the holder an absolute property in the soil. This similarity being once admitted, the subordinate gradations of tenure on which land is transferred from one to another will be found to differ in no material degree. * * * The same observation may be applied to all countries where the same supreme right exists." This last expression, he explains in a later part of his letter (paragraph 86), had special reference to the precisely similar condition of landed property in Canara to that in Malabar.

From Collector, dated 2nd September 1815.

In paragraph 87, Mr. Warden notices that "in Canara the proprietary right is called *Hegdeship*." "I have obtained," he adds, "copies of the land titles in use in that province. * * * The right granted by those deeds are minutely specified; and certainly nothing can more forcibly define the rights of ownership to the soil. * * * In the province of Canara the land appears to have been taxed with a small assessment to the State, long before its subjection to the Mahomedan Government. It is admitted, I believe, that the registry of the original land assessment in Canara was as accurate as such an account could be found; in proof of which it may be urged that the accounts of the Shanbhogues which contain the registry were resorted to by the people as the authentic record of landed property in that province. The situation of the Shanbhogue is hereditary. And it appears to be his duty, derived from ancient custom, to be the writer of every deed connected with the tenure of land within the Magany to which he was attached. * * * The Shanbhogue's accounts having fallen into the possession of the Mahomedan Government, no survey or inspection appears to have been necessary to ascertain the resources of the country. Those accounts formed the basis of the annual Jamabundy; in forming which all that seems to have been required was to put on such additional per-centage on the original *Shist* as the necessities of the Government demanded."

Paragraph 92.

65. In his letter on the subject of proprietary land-tenure Mr. Warden observed: "It is evidently the policy of the Government to uphold and encourage the spirit of attachment which prevails in the province for property in land, and to recognise and protect the numerous tenacious distinctions which prevail in the existing tenures of land. Such a spirit, the vital support of agriculture, involves, therefore, the best interest of the Government to allow it a free operation."

To the Board of Revenue, 20th April 1815, paragraph 71.

66. In 1815, the Government of Bombay transmitted a draft Regulation for managing and preserving the forest of Malabar and Canara, on the provisions of which the Collectors of both districts were required to give their opinions.

Board of Revenue to Collector, 5th July 1815.

67. The draft (Section 5) proposed to vest the control of the customs on timber in the Conservator (Section 3) and to prohibit all persons "from cutting Teakwood, Poon-spars, or any other description of large timber without the license of the Conservator of Forests," or to export wood from the sea coast (Section 6) without Permit, under penalties and confiscation. The Conservator was, however, to be "required to grant license to any persons applying for the same, for felling or cutting down and transporting to the sea coast all jungle or other timber growing in the said forests,—Teakwood and Poon-spars only excepted,—which are hereby reserved for the sole use of the British East India Company." (Section 7.)

68. The Collector of Canara considered that a Permit should only be required for felling Teak and Poon, and not for jungle-wood, unless for exportation by sea and not home consumption. And

Collector to Board, 18th August 1815.

he recommended that all such wood be exempted from the payment of Cast-ass duty; and that ryots should be allowed to clear off all wood on land required for cultivation on their estates, with the exception of Teak and Poon. He further urged that the restrictive provisions of the proposed regulation should not "apply to as much of the sides of hills as border on their estates, which, since the time the *Shist* was said to be determined at the close of the Bednore Government about 1660, although forest lands were deducted, they have considered as private property in order to secure the necessary supply of water." And he adds: "Should a duty be levied on any other sort of jungle-timber than what I have already mentioned, namely, that for exportation, it will prove a great hardship to the people."

69. It may here be remarked that the *Shist* or land-tax payable to the State in both Canara and Malabar extended only to the rice-land and gardens comprised in the estate: to which was added a small charge for the hill and paramboke cultivation carried on in their woodlands under the name of *Kumri* and *Pennee*. Proprietary right to far wider areas than the mere rice-land was unaffected thereby.

70. The Collector of Malabar, accepting the assumption (as "royalties") of the forest by the Government in order to secure timber for *naval purposes* as no longer open to discussion, proceeded to point out that the acknowledged rights of proprietors were not sufficiently protected in the Draft Act, nor was payment to them for wood cut on their private estates secured in the draft. He proposed modifications with special reference to Malabar, and pointed out that whereas the draft limited the right of Government to Teak and Poon-spars (needed for naval purposes), a rate of Export-duty was prescribed for all other wood under the denomination of "jungle-wood" and felling without permit was interdicted. To this restriction the Collector objected on the ground that such a restriction on private rights was not intended by the Honorable Court when they assumed the *royalties* in question; that it would be attended with very serious inconvenience to the agricultural population, and as there was no need of such restriction in order to protect the *royalty* of Teak and Poon-spars, it should be abandoned. And, lastly, he pointed out that claims of Government were not defined. "There can be no doubt," he observes, "that the forests intended to be assumed by the Government of royalties, are those which lay along the basis of the ghauts, and occupying those woody mountainous tracts that are not inhabited, where forest trees grow spontaneously or without human aid. The orders of the Court of Directors cannot, I imagine, be construed into a right exceeding this limitation. They cannot be intended to embrace so enlarged a construction as to assume as royalties the proprietary right to every Teak-tree that grows not only in the forests properly so understood, but also in the inhabited parts of the country. * * * Many individuals possessing landed property along the banks of the rivers convenient for floating timber and immediately in their vicinity have appropriated a part of their land in rearing plantations of Teak. It would be too forced an amplification of term royalty to include such plantations also within its vortex. Were the Government at once to declare the produce of Teak in Malabar to be a monopoly, and pay to those possessing plantations which have been reared by individual industry a fair price for

Board to Government, 14th December 1815.

their trees, there would be no room for discontent. * * * [illegible] * * * makes no reservation whatever in favor of [illegible] although it certainly confines itself to Teak-trees growing within the [illegible] the Collector proposed a provision to this effect. He also proposed [illegible] boundaries of forest property could [illegible] term royalties;" and, finally, the Collector objected to the [illegible] hill produce which were proposed to supersession of the [illegible] to secured to the proprietor for his [illegible]

71. The Board recommended that the [illegible] proposed and referred.

Board to Government, 14th December 1815.

72. In 1817 Colonel Munro submitted a [illegible] Rajah's lands and of his [illegible] Malabar and of the [illegible] separated from that province by Hyder Alli. The Rajahs of the [illegible] the Malabar Rajahs, is of equal rank with [illegible] that the Zamurin, the chief of the whole, [illegible] The Malabar Rajahs had been expelled by Hyder Sultan, and when [illegible] their country was ceded to the Company's [illegible] revenue was granted to them. Had the Nileshwar Rajah been [illegible] Canara came under the Company's dominion, he would have [illegible] gence. But he was in actual possession of his district, and [illegible] income of from 800 to 900 Pondey Pagodas, drawn partly from [illegible] from the land-revenue paid by the inhabitants. He claimed [illegible] of not being disturbed in the possession of what he had, and [illegible] a worse situation under the Company's Government than ever he had been [illegible] other period. He had at least as much right as any [illegible] his possessions and transmit them to his posterity, and [illegible] under which he gave up his territorial right was considered, it [illegible] the equivalent for which he surrendered this right ought not to be [illegible] among his descendants."

From Colonel Munro, dated 3rd September 1817, to the Secretary to Government.
Board of Revenue to Collector, 24th September 1817.

73. In 1817 extensive illicit export of Sandal from the private [illegible] Canara was discovered; and the [illegible] recommendation of the Collector, that Government should [illegible] from time to time such Sandal trees, the property of Government, as may be fit for sale and disposed of the same by public auction."

From Collector, dated 10th September 1817.
To Collector, dated 7th October 1817.

74. In their Minute of the 5th January 1818, the Board of Revenue entered very fully into the [illegible] of landed estates in Malabar and Canara, and of [illegible] to the latter observed [illegible] (paragraph 40) "It will not be necessary to enter so much into detail respecting the landed tenure of Canara, for although

Minute of the Board of Revenue, dated 5th January 1818, Paragraphs 21 to 65, Revenue Selections, Vol. I., page 380.

not precisely of the same nature, they are very similar to those of Malabar. The exclusive right to the hereditary possession and usufruct of the soil is in Canara termed *Warghe*, meaning* separate independent property in land; and seem originally, as in Malabar, to have been vested in the military tribe of Nairs, the first, and at one time the exclusive, *native or headlords* of that province. For, except to *unclaimed waste* or to estates *escheated from want of heirs*, it does not appear that the Government in Canara at any time possessed, or even pretended to the smallest right to, property in the land." The Board then describe the lease-holds,—*Mul-gueny* or permanent tenants and *Chul-gueny* or tenants-at-will,—and their conditions. And continue (paragraph 151)—

"on the conquest of Canara in early times by the Pandian Princes of Madura, most of the Nair Landlords were extirpated or expelled, and their privileges would appear to have been conferred by the conquerors on the ancestors of the present Hullus and various castes now in possession of the *Warghe* or landlord's rights. The descendants of the *Mul-gueny* who originally held from the old Nair landlords are now termed Nair *Mul-gueny*, in order to distinguish them from the *Shud Mul-gueny* or more permanent tenant whose tenures are of a less ancient origin. A most remarkable difference, however, is observable between the two neighboring districts of Malabar and Canara, namely, that while in the former province the Jenmakars enjoyed their hereditary rights free from assessment, and a land-tax was consequently unknown until the period of the Mussulman invasion, the landlords of Canara held their hereditary right under the express condition of a payment to Government, which seems to have existed from time immemorial."

The Board further describe the principle of the fluid assessment on the paddy-land within each estate, and continue "no sooner did Canara fall under the baneful administration of the Mussalman Prince of Mysore, than the most injudicious and oppressive extra assessments were imposed, in all cases materially reducing, in some entirely annihilating private property in the soil." Colonel Munro's early settlement and the judicious limitation then imposed on the land-tax in Canara is then described, with the remark: "The effect of a moderation to which the people for many years past had been so little accustomed immediately became perceptible throughout the province. For, by inspiring the inhabitants by confidence against any further unlimited demands on the part of Government, it gave rise to innumerable claims to land which at once again resumed its former value. A general improvement was observable in all parts of the district, and the revenue was realised with a facility which, except in Malabar, was elsewhere unknown.

* In fash 1222 the number of estates which had lapsed to Government from the expulsion of the ancient landlords, the want of heirs or other causes during a long series of years was 8,322.

75. The above Minute of the Board was transmitted to Colonel Munro, then in Canara. His opinion was in accordance with the views of the Board.

From Collector, dated 27th August 1817.

*N. B.—This is an error. "Warg" means a private account—the page in the Village Ledger of Accountant's Books applicable to the particular estate which was in account with the State for assessment and other charges. The term came to be technically used to designate the estate, and has led to some misapprehension in Canara. The assessment account.—"Warg"—has nothing to do with the title to land.

N. B.—Considerable doubt is thrown on this description by the Collector in one of his early reports. The mistake arose from a misapprehension of the prefix "Nair," which means a ploughed and is not here meant to designate the Nairs of Malabar. The Nairs of Malabar probably never occupied Canara to the north of the Chandragiri river of the Bekal Taluq.

76. In a letter, dated 8th October 1819, the Collector observes—"The right of property to all and every tree [of Canara has] been held to pertain [has been so often and ably treated by the

From Collector to Board, dated 8th October 1819.

different officers who have held the situation of Collector in the province, that it is not requisite for me, even if able to add anything to the subject, to enter at length into the lodged principle;" and he notices that in this respect the local practice of Canara are, with the exception of Malabar, widely opposite to those of all the other Collectorates under the Government of Madras."

77. In 1820, the Bombay Government addressed that Madras Government on the [subject of the Report of the Bombay Board of Revenue on the] [destruction of Teak forests in that province, the property of Government] in that province, the property of Government

Dated 11th January 1820.

From Collector, dated 13th September 1820.

ment" for *Kumeri* cultivation. The letter was referred to the Collector with Government order to take such measures and offer such suggestions as he may consider best adapted for the preservation of the Teak trees.

78. The Collector reported that the [case] attached to [it] were trivial in their character, and that the alleged offence was not serious, and that he had not been remiss as a Magistrate or "failed as a Collector to afford such aid as was consistent with that duty and the rights of the people. The summary powers (*Sic*—*Vide* to *reticole Kumeri*) to which that officer has alluded to in either of my official papers contemplated."

79. The Collector describes *Kumeri* cultivation, and remarks that the revenue derived from such cultivation being insignificant, he considered that it might be restricted "to great forests." But he adds: "It would, in a great measure, interfere with the actual welfare of the most abject race of our subjects equally as deserving of our protection as the highest, were such a prohibition to be enforced."

"6. There are two classes of *Kumeri*, 1st, hills bounding estates from the top of which to the bottom, and embracing the breadth of the fields composing the estate, is looked upon, and has been allowed the landlord's rights since the Bednore Government, A.D. 1660. This is an essential privilege, for it secures water and manure for the estates. Although it is not probable that a landlord would clear such hill-land, it may be a question of importance whether the Government are justified in exclusively appropriating the Teak-timber upon it, and not only this valuable tree, but even jungle-timber of the best sort. To revert to the custom which prevailed under the Mahommedan dynasty will only be waste of time. No right was respected. When that Government wanted Teak, an order was issued for such and such a tree, and no compensation was thought of, though it might stand near the house or in the jungle of the landlord. If these trees are cut down, he loses the manure the leaf yields him, and which being at hand is the more valuable.

"7. I have caused inquiries everywhere to discover if any copper grants of such lands or any documents explanatory of royalties exist without success. Immemorial usage has guaranteed to the former that privilege, and the same limits royalties to forests and ghauts.

"8. Now although 'forests' is the term used in the Regulation (V. R., *Discussion to the Regulation proposed by the Bombay Government*, para. 3), by the prohibition to cut any large timber specified in clauses 5 and 6 of the Forest Regulation, not only has Teak and Poon (this latter is chiefly confined to such jungles as may be deemed royalties) not been permitted to be cut, but *Jack*, Blackwood, and all large wood grown in *jungles* and fit for timber, have come under the prohibitions as also that grown upon lands described in paragraph 6. Admitting the restrictions to be fair and just as to Teak and Poon, yet I would submit that where it is growing upon private estates, far away from all ghauts, the ryot should have the acquirement right, after a period of years, to cut it down; provided he offers it to the Circar first at a moderate rate. Were this explained clearly and carried into effect, I am satisfied it would lead to planting Teak, which is almost unknown in the district, at least by private individuals. But at all events by giving the owner of young trees (not planted, but accidentally produced on his estate) an interest in the tree, its future growth will be secured by a corresponding care in rearing it. * * *.

"9. The next people to whom I allude whose welfare I consider would be materially affected are '*Mallay Koodiyal*' or inhabitants of hills. The *Kumri* on sides of hills, forming the very lowest link of the chain of ghauts (scarcely so as to deserve even the designation of a continuation) is most common in Ankola and Honawer, where branches of the main range almost run into the sea at Karwar, and at one or two other headlands in the Honawer Taluq, Bunkul, and Moorlaiwer. The intermediate spaces are a series of high and low hills with cultivated valleys. It is from these the *Kumri* (jungle) is cleared. These are the hills; the people alluded to having cleared them, contract *afterwards* at so much daily pay per man, woman, or child, with such persons as obtain the Tahsildar's permission. It is thus done. A proprietor receives information of a spot *having been cleared*; he goes to the Tahsildar and offers a sum for the right of cultivating it. This being agreed to, he then enters into a contract with the hill-people to sow it, and attend to the crops. They reside in the hills, and are seldom seen in villages below. To cut off at once the wretched and only means of support this miserable class of human beings possess cannot be contemplated for an instant; because they are a people with whom (compared with their present state of incivilisation) the slave on a Champagne estate is an enviable creature. No melioration can be attempted with a prospect of good resulting therefrom.

"10. There is no subject on which so little information is to be gathered as on the 'forests of Canara.' I have searched the records of my office in vain; my people are unacquainted with the subject. I am inclined to attribute this to the most natural cause, viz., from the control not having been in the hands of the officer who, from local experience, extensive establishment and powers, and knowledge of the rights and tenures of the people, appears to me to be best calculated for its possession. I mean the Collector. On its present footing, one object of permanent importance brings the Conservator and Collector at issue; that when the latter attempts to extend cultivation over a waste on which a few Teak-trees are scattered, and the plants are injured, the conservation is lost, and the Conservator justly complains. The Teak is occasionally so interningled in hill-land below, and

to the ghaut land and extensive jungle at stake above that it is hardly safe to allow stand operating as it now does against the clearing of these wastes the finest Read extension of agriculture will never take place.

"11. It is also matter for important consideration that in a moderate growth have crept in since the Forest Regulations were enacted. If a hill with five Teak saplings upon it or ten, it is termed the 'Company's forest,' as one of the compound on which a Teak-tree stands is so denominated.

80. Amongst a variety of other restrictions proposed with a view to enforcement the monopoly, the Collector recommended "6th, that in order to encourage the planting of Teak or Poon especially on the side of hills contiguous to estates where a prescriptive right in the hill is claimed, and has been allowed the landlords for centuries, the trees now standing on such hill and all such as may be hereafter planted or grown shall be the property of the landlord, subject to this proviso, that no tree (Teak or Poon) shall be cut down until it is 30 years old, unless with the Conservator's permission in writing, and that, when cut, it shall be offered to the Conservator at a moderate rate.

"And,—12th, that no tax whatever shall be levied on any jungle-wood felled, except upon exportation by sea, and the tax so levied by the Collector of Sea Customs shall be calculated at 8 per cent. upon the local sale price of the spot from whence it is exported."

81. The Board of Revenue recommended that the reports of the Collector of Canara be forwarded to the Government of Bombay, with reference to the Board's letter, dated 14th December 1855.

82. In the Settlement Report for *fasli* 1240 the Collector again urged on the attention of the Board the serious impediment to cultivation and injustice to the private rights of the people, which was caused by the restrictive forest rules, and gave instances of serious loss of revenue and obstruction to extension of agriculture arising therefrom.

From Collector, dated 14th June 1861, paras. 31—33.

83. In reviewing the Settlement Report of 1240, and adverting to the above letter, the Board remarked: "The amendment of the rules for the conservation of the forests is one of the subjects

Board's Proceedings, 24th October 1861, paras. 23 to 29.

to which the Collector has drawn the attention of the Board, and to which the Board deem it necessary to solicit the attention of Government.

"24. According to the Collector's statements the conservation of timber extends to remote tracts where the restriction is highly injurious and preventive of the extension of cultivation; while the timber so preserved is not available to any of the public purposes with the view to which the restrictive orders were enacted. It appears, moreover, that the restrictive system has, in practice, been carried to an unreasonable and improper, not to say an unjust and illegal, extent. The tree, observes the Collector, planted and flourishing in the small garden attached to many a farm-house for one or two generations has been considered equally prohibited as coming under the term *forest*.

"25. In the year 1815 the draft of a Regulation for the management and preservation of the forests in the provinces of Malabar and Canara and for defining

the authority of the Conservator was received from the Bombay Government, and the Board of Revenue were desired by this Government to call on the Collectors of those districts for their sentiments regarding the justice and expediency of the provisions of the draft in question.

"26. The reports of the Collectors were duly received, and were submitted to Government under date the 16th December 1815, with a recommendation that the Bombay Government should be requested to submit an amended draft with reference to the suggestions contained in those reports.

"27. The Board have no information before them with respect to the subsequent proceedings (if any took place) in consequence of this proposition above stated. It is agreed, therefore, to submit, for the consideration of Government, whether it may not be advisable to ascertain from the Bombay Government the precise nature of the rules and orders under which the Conservator are at present acting, with the view that *all* unnecessary and injurious restrictions may be eventually removed."

84. In 1821, the Collector of Canara again brought "expressly to notice the hardship the letter of the rules would from the general application of the Forest Regulations to Teak growing upon private lands, and the restriction to their cutting down such timber so growing;" for he adds: "I believe the construction to be understood by the people,—however doubts may exist as to this construction,—that no ryot can cut down a Teak-tree though situated at his own threshold." And he urged amelioration on the following grounds:—

"1. Because the royalties were not considered by ancient Hindu Governments to extend beyond the forests or ghauts; and because the limit of forests and ghauts are not defined by this Regulation.

"2. Because the general application of the Forest Regulations to all Teak wheresoever situated is contrary to the rights of, and is oppressive to, the individuals growing it, and is conducive to destroy instead of encouraging their cultivation.

"3. In support of the first position, and although there exist no Sunnuds or copper grants (as are to be found in Malabar I am given to understand) describing the extent of ghauts-land and jungles contiguous thereto, reserved by those Governments for their right in the Teak and Poon trees, it is fair to conclude such documents did exist in Canara; because in their *Mool-puttahs* of 300 years ago, there is an entry entitling the possessor to enjoy in perpetuity together with his Byle paddy land, as much extent of hill, together its produce, as skirted its boundary. It was given without reservation, and is the preserved *Custom* of the country to this day. It was essential to his cultivation in the Byle land, because it gave him a command of water and of manure and pasturage for his cattle indispensably requisite to its flourishing. In European Governments the royalties are as defined as the private properties in estates. In Canara, where the tenures are guaranteed and probably more clearly defined than in England, this right in the land became absolute of necessity. Perhaps no other country in the world required greater exertion and labor to clear and bring it into a state fit for agriculture; and where such was undoubtedly the case as it was here, it constituted a right in the

soil which has ever been maintained, viewed, and which, as has been said by the first authorities, 'formed a tenure of much the oldest and most universal among the foundation of the world,' or in words to that effect.

"4. The system of the British Government continues the undisputed right in his estate to the ryot as long as the demand be punctually paid. It interferes in no shape with the produce of the land nor with its cultivation. It is assessed on merely. With its internal management it has no interference. He plants or cultivates whatever he deems best. It, therefore, such practices as possession be admitted, and it is the prerogative of Government, it would seem as variance with its rights to introduce a restriction as regards Teak or any other tree the ryot may plant on his exclusive land.

"5. To revert to what was the rule under the Mussulman Government requisite for Hyder preserved his armoral usages, whilst Tippoo trampled them under foot. Yet even under the latter cruel reign, Teak was cut down by the ryot as he wanted it.

"6. Independently of ancient right, the ryot of Canara also has present usage in his favor as the exclusive claim to the produce of his estate. The letter of the Regulation is 'forests,' and the exclusive right of these is restricted to the Government. The text does not make mention of 'single tree,' but it follows the general term 'forests,' and the sense may, therefore, be fairly taken to mean a single tree in that forest. I am, therefore, inclined to consider that the letter of the Regulation is at variance in both ways, for it defines not distinctly what 'forests' are, whilst its letter as now taken is acted upon as definitive.

"7. It is not necessary to pursue the arguments, for the Courts would possibly differ upon the construction of its letter, and it is better to refer to the executive such disputable cases when they, as they now do in my opinion, interfere with the rights of the people at large.

"8. It will not be necessary to show the instances in which this right has been urged, neither to point out the ill-effects the general restriction has had upon the country. These questions have been submitted to the Board at length in my report, dated 13th September 1820, and in my report on the settlement of fasli 1230, paragraphs 31, 32, and 33, to which I earnestly solicit the Board's reference. I am free, however, to assure the Board that in both instances it has been my duty to receive such, and to observe the evil consequences of adherence to the rule. The numerous offers to clear land and enter into darkhast for others is the cause of my intruding this letter.

"9. With respect to the second point, the documents and reports to which I have solicited the Board's reference treat so fully upon it that I need not occupy their attention with further matter. The subject I conceive to be one of expedient justice, because it is for the preservation not only of the timber but to uphold the rights of the people."

85. Referring to his letter, dated 18th September 1820, Mr. Harris remarks in relation to the Teak-forest of the Ankola Taluq of North Canara: "When the Regulation for the conservation of the forests in Canara was promulgated, there was no exclusion as to a particular

From Collector of 14th June 1821, paragraph 31.

tanq. Although upon its principle I believe the appropriation of waste land to the timber as available to ship-building, yet under the guise of a right of property the tree planted and flourishing in the small gardens attached to many houses from two or three generations, has been considered equally property and coming under the term "forests," * * * And again he observes "that I would submit for the serious consideration of the Board whether the contingent demand for a few logs of Teak is to stand in competition with the probability of a considerable clearance those noxious and useless jungles, and the introduction of agriculture with all the attending benefit to man and to the country and the Government." He then states that he had had offers from several individuals to clear extensive farms, but their first stipulation was to be allowed to fell the Teak within the limits proposed for and he proposed that *Kumri* crops on such land should not be liable to pay rent.

86. In 1822, Mr. Thackeray traced in an exhaustive and almost indignant Minute, dated 8th August 1822, the timber monopoly and its numerous consequences to private property in the provinces of Malabar and Canara, and observed:—

Thackeray's Minute, 8th August 1822.

"That it has always been considered by every local officer, except the Conservator himself, an arbitrary and unjust system, and a great grievance by the merchants, ship-owners, and artificers, whose trade is impeded and encumbered to Bombay; and by the land-owners whose private property has, contrary to the wishes of the Court of Directors and of this Government, been confiscated by the Conservator."* * * And with respect to the proposed draft Regulations entrusted by the Bombay Government, he observes:—"I shall now proceed to consider the draft of the Regulation which is now at last returned from Bombay. The preamble which asserts the Company's sovereignty in the forests is hardly sufficient; it should assert the proprietary right of the Company. If,—under the doubts which exist as to the extent of those rights,—such a sweeping assertion could be safely made. The draft, it is true, professes to relax in favor of trade by removing some of the restrictions on wood, not Teak or Poon; but it omits the provisions recommended by Mr. Warden, which the Court of Directors* approved of, for surveying and recording the boundaries of the Company's forests, and securing private property, and adopts Mr. Pearson's distinction, which is erroneous. Section 12 of this draft runs:—"The public or royal forests are hereby defined to be all those hilly and woody tracts situated along the basis of the ghaut-mountains within the provinces of Malabar and Canara, which are not assessed to the public revenue, as yielding annual crops of grain, or being planted with cocoanuts or fruit-trees, and all lands so assessed, although partially covered with Teak-trees, are not comprehended within the royal forests." This will be found very different from what Mr. Warden recommended, and likely to open a wide avenue to disputes and oppression. There is in Canara and Malabar much waste land, private property, not assessed, but necessary to enable the ryot to cultivate and pay for his assessed land. Some he does not cultivate, because he has not stock, or because more profitable as forest. But it is nevertheless his as much as any others property; and he makes much use of it,

From Bombay, 22nd May 1822.

N.B.—The paper does not seem to have been communicated to the Board.

* *N.B.*—Not found on the Board's records.

and derives some profit by it. He feeds his cattle there, or he gets wood and firewood, manures or waters from it, for his own use or sale. The destruction does not depend upon what is assessed or not assessed, but upon what really is or is not private property; and any other distinction is unjust. It is evident this Section 12 would actually confiscate a great deal of private property. And it seems to have been introduced—in spite of the remarks of the Court of Directors on Mr. Warden's propositions—on purpose to continue to the Conservator those arbitrary powers of interference with private property, of which it is so desirable to deprive him. This section would also act like the unpopular and hateful Nemmi forest encroachments on agriculture. There are many deserted villages now covered with jungle, and often with Teak, often unrivalled for naval purposes, in those above the ghauts, and too far from the sea. It is a great object both for revenue and health to clear those jungles. But if this section is passed, all that is now waste must continue waste, unless the Conservator chooses to give it up, which, from the spirit in which this office has been conducted, is not likely. There is no fear of agriculture being so much extended in these provinces as to encroach too much on the elephants and Teak."

87. Mr. Thackeray's Minute was fully endorsed by Sir Thomas Munro, then Governor of this Presidency, in his Minute, dated 14th November 1822. These two most valuable and exhaustive State papers deserve the deepest consideration with reference to what is now being enacted in Canara in the so-called conservation of forests. No greater authorities on the subject they treat of have existed. They knew and firmly vindicated the people's rights.

88. In his report on village taxes in 1822 the Collector described *Kumri* cultivation in the following terms:—

To Collector, dated 20th August 1822. Board's Proceedings, 10th June 1823.

"*Kumri Kandgad* is the jungle of the ghauts cut down with the *Kandgi*, or bill-hook by a race of men (*Hallet Kandgad*) who inhabit the ghauts and never descend into the low country. They depute a headman to the renter on the part of the Circar annually to arrange their barter of hill—produce such as cassia, pepper, cardamoms, raggy, and wax. The renter gives them dhall, rice, tobacco, and arrack in return. For this permission he enters into *durchaut* with the Circar—amount per annum Rupees 3,963. These items were erroneously classed as village-taxes and belong to land-revenue." And he observed in respect to this and other village taxes:—"It was not from castes, professions, or trades, but it was either (as I have already submitted) from inability of the Customs renter to make good his rent, or in the necessity of the former Government that these impositions were laid upon estates. No usage and prescriptive right of taxation was ever thought of * * * the *shist* was in those days (*of the ancient Hindu Government of this part of India*) the whole of the Circar demand. It is at this day kept distinct by the people as sacred, by our Government as useful in accounts, and, indeed, it may be said almost necessary to the peace and welfare of the country. Such naturally is the ardent devotion of the people to a low assessment. The additions to that which,—'*Mudzeest*' under the Ranee or the '*Sawai*' of the Mussulman dynasty,—then followed. Amongst these latter stand the village-taxes now brought to your

notice. They were found included in the Hereditary of several farmers separate Maganies, at the assumption by our Government, and were complained of to the various authorities in these affairs as well as to myself. Thus the *Kaver's* tax was not a source of taxation under present circumstances of the country; but as in the case of the Farms in Malabar, a recent and unusual cess imposed in later years,—a mere nominal sum.

89. In his Settlement Report for fasli 1231, adverting to the report of the Collector, dated 30th May 1822, [illegible] the Board remarked as follows:—(Paragraph 22) "I am aware of the correspondence between the Bombay Government in consequence of the Board's view being before the Supreme Board at Madras; but with the knowledge of the existence of the teak-tree Government is hourly sustaining by not accepting offers for extensive tracts, now under a ban by the operation of its rules, I trust I shall be permitted to refer to it. These offers have for years been sent in and rejected. The error may and always be laid. The increased revenue to Government derivable for such a century is not, however, of that consequence as a comparison to the moral and political advantages which must accrue to the Balaghaut."

90. The Board of Revenue resolved that "the attention of Government be solicited to correct the evils arising from the present forest system."

Proceedings of Board of Revenue, dated 19th August 1822.

91. In his report on the annual settlement of Malabar for the fasli 1231, the Collector observes:—"There was another point I was particularly desirous of submitting for your Board's consideration, and which I am convinced it is only necessary to bring to the notice of Government to ensure a remedy to a grievance generally complained of.

In Collector, dated 17th June 1822.

92. "I allude to the monopoly of Teak-wood and to impediments in the way of procuring this and other timbers for domestic and agricultural purposes, and more particularly of Teak in the Palghaut and Tenalpooram Taluqs, where it is the more sensibly felt, as the people assured me that it was carried in great quantities to Combatore, whilst *they* labored under the greatest distress.

93. "Formerly almost all their granaries were constructed of Teak, which, it is unnecessary to say, resists the attacks of time and the ravages from white-ants and other insects in a degree far superior to any other species of timber. I examined several of these depots for grain, and could not but admire them as being so well adapted for the purposes of securing grain from robbers, the effects of the weather and from fire also, as they are cased with stone and terraced with earth so as to make it a matter of very little consequence, even should the roofs accidentally suffer from it. Many of the granaries were constructed beyond the memory of man, having been made of live, old, full grown, and well-seasoned Teak. Houses, although of a minor consideration, suffer much from the want of the means of repairing them substantially. But what the inhabitants mostly complained of was, that, in several instances, young Teak-trees had sprung from seeds blown by the force of the winds, or otherwise in their cultivated grounds, and which they were

prevented from clearing away in consequence of, I may so call them, of the Teak and Forest Laws. But this subject I shall bring to the notice of the Commissioner in the most forcible terms. I have perhaps said more on the subject than is necessary with reference to the best appointment of the Commissioner with unlimited powers to redress these grievances."

94. In the mean time, the whole matter had been considered by the Council of Madras. On the 6th December 1822 the Government communicated an extract of a letter to the Government of Bombay in the Revenue Department, dated 6th December 1822: "Your Honorable Board will be prepared to find, with the exception of fuel and for the reasons we have stated, we should consider it our duty to take immediate measures for affording protection to the inhabitants of Malabar and Canara against any encroachments on their property which may hitherto, through inadvertence, have been tolerated. We accordingly propose to cause it to be intimated to the officers of this Government in those provinces that the authority of the Conservator extends only to the timber and trees produced in the forests belonging to Government, and that with respect to all other trees and timber, his control over them must, like that of any other person, arise from private contract with the proprietor. Under the same considerations, and also from the want of a Regulation authorizing the Conservator to levy duties, the Collectors of Sea and Land Customs will be desired to levy the duty on timber as on other articles. The several officers concerned will be particularly instructed to avoid all unnecessary embarrassment to the Conservators in the execution of these orders; and, with the view of affording time for their receiving corresponding orders from your Government, we shall desire that the proposed levy of customs on timber, as well as any other change of system, which might bring the Conservator's authority into public question, shall be deferred till the 1st of February."

From Government, dated 17th October 1823.

95. In 1823 the Government issued the following instructions:—(Paragraph 2). "Next to protecting the people from any obstruction in the enjoyment of their property, and the exercise of their prescriptive privileges,—which it is hoped have already been sufficiently provided for,—the first great object is to secure the valuable property in the public forests from fraudulent or wanton injury; and the second to render the produce of these forests available for useful purposes. Towards both these objects, the records for which application has been made to the Bombay Government are likely to be of great use. It is necessary, however, that the Principal Collectors should not implicitly rely on them; but should satisfy themselves by actual inquiry and examination as to the extent of the public forests, the precise nature of the right of property in them which it is competent to the Government to exercise, the value of the kinds of timber they produces and the best means of felling and preparing it, of conveying it from the forest, and of bringing it into the market." These instructions were duly communicated to the Collector by the Board.

N.B.—There is no trace on the Board's records of these accounts having been transmitted to the district. If so, they were lost in 1837.

96. In their general letter, dated 18th May 1825, paragraph 69, the Honorable Court observed: "We have carefully perused the Minutes of your President and the late Mr. Thackeray, and the correspondence relating to this subject, *(Forest Regulations in Malabar and Canara)*. We have no occasion to enter at length into the details, because the evidence adduced affords us full satisfaction, as we are happy to perceive it did to the Supreme Government and Government of Bombay. The previous system failed in attaining any desirable object. It was not useful for the supply of timber, and it acted most injuriously upon the interest of individuals. Your instructions to Collectors are judicious and correct as far as your information at the time allowed. In proportion as the Collectors being you more acquainted with the forests, you will be able to frame more precise instructions; any reflections of ours, till we know more of the circumstances, would be premature. If the right of individuals and of Government are ascertained and protected, liberty to the people to dispose of their property to the best advantage will probably secure all the other objects in which we are interested." Thus the monopoly ceased and interference with private property was suppressed without reservation. But the meddling was not to cease.

From Government, 25th November 1825.

97. Two Vernacular Circular Orders issued by the Collector to the Tahsildars in 1823, some months before the final orders of the Government reached the district, have been found in the native records of the district, and are apparently now sought to be relied on as extinguishing all titles to woodlands and as limiting the people's proprietary right,—with restrictions as to the usufruct,—to a small margin of poramboke or high land round the rice land which might be actually under cultivation.

Collector's Vernacular Orders, dated 2nd January and 5th February 1823.

98. The first is a Mahratta Circular Order, dated 2nd January (fasli 1232), directing the Tahsildars to make inquiry as to the Government forests in their respective taluqs. It runs: "By Government forests you will understand only such as are marked off for felling timber for ship-building purposes." And the Collector directed a careful examination of the result of previous inquiries held in this behalf, and ordered the Tahsildars to report with full particulars any forests that may be proved to be ancient Government forests by customary usage, sanads, or written deeds (if forthcoming), ancient accounts or oral testimony" * * * "and in respect to forests proved to be the property of the Circar you will make a detailed examination as to the quantities of Teak, Blackwood, Jack, and Poon they respectively contain."

99. Within one month afterwards, and before any inquiry as at first directed, could have been undertaken, a second order, No. 38, dated 5th February 1823, was issued by the Collector. It runs: "You are informed that, saving only such woodland as the ryots claim as a requisite *(lamaki)* for their cultivation, all other woodlands are hereby declared to be the property of Government. But as I understand that the people will be inconvenienced if the necessary *(lamaki)* woodland bordering on the rice-land be taken as Government forest, 100 yards will be left to them on all sides of their land. Beyond this all other land will be included in the

list of Government forests which are [illegible] forbidden to cut trees in the same manner as [illegible] however, cut all roots, leaves, etc. [illegible] what they were used formerly and [illegible] cultivation, all other [illegible] is Government property."

100. It may be observed that [illegible] and of economy and [illegible] Government or the Board appointed [illegible] as directed by the Court of Directors [illegible] was diametrically opposed to the views [illegible] Minutes of Mr. Thackeray and Sir Thomas Munro [illegible] tions were practically set aside by the orders of [illegible] October of the same year. The Collector had [illegible] effect to the provision of the regulation providing [illegible] had been originally drawn up with a view to [illegible] confiscation was never, however, really [illegible] although the order is now attempted to be [illegible] officers. The considerable [illegible] the *facts* does not [illegible] cannot be justified.

101. The Collector reported [illegible]

From Collector, dated 2nd [illegible] 1823.

following terms:—"[illegible] important charge entrusted to my [illegible] submit my opinion as readily on these [illegible] the people and the interests of Government [illegible] my feelings upon the blessing the people [illegible] out that charge. I have had the misery [illegible] and injustice of the system in the Forest D[illegible] hand, under the present enlightened Government [illegible] which is and will ever be felt and duly appreciated [illegible] poorest class of its subjects. But it will do [illegible] reliance upon the final justice of the [illegible] ment throughout all its various movements.

"The boon conferred as such upon a [illegible] has spread throughout the desolate forest [illegible] safety; for it has enabled the cultivators [illegible] ing trees and jungle heretofore on [illegible] father and son and their slave were in [illegible] therein. It has put a stop to [illegible] at the ryot's own door to carry [illegible] entitled upon these pretended [illegible] even from those very desolate tracts still [illegible] Courts. If such are the effects of [illegible]

effects cannot be mistaken nor overrated, unless [illegible] most remote,—of deterioration to those forest [illegible] royalties. To define their limits I have long been at work, but progress was slow in consequence of my other [illegible] Collector had returned to his usual round. [illegible] an equitable Government may claim as [illegible] amount times as royalties," and their limits [illegible] probably learnt, in the mean time, the [illegible] Government.

102. In answer to a letter [illegible]

From Collector of Malabar, dated 25th May 1823 (enclosure).

[illegible] of any forest which may [illegible] ment or the trees of which may have been made over to Government for any limited period," the Conservator replied "as to any Forest Land considered the property of Government I know nothing; nor did I ever hear of them."

103. In 1823 the Collector of Canara recommended the abolition of the monopoly of Sandal-wood in Canara:

"5. Whilst writing on this subject (*the large and extensive exports from Soonda*), I think it a favorable opportunity of bringing to the particular consideration of the Board the existing monopoly in Sandal-wood, the produce of this district, with the view of obtaining the Board's orders, for the disposal of the quantity of that wood now in store and of suggesting the abolition of the monopoly and the substitution of the Hawlut or particular duty on its exportation instead.

"6. The Sandal-wood of Canara and Soonda, whether grown on Circar lands

See letter from the Board, dated 9th November 1801.

and jungles or on private estates and gardens, is considered the sole property of Government; the right having been established by the Hindu Government previous to the Mussulman conquests. It has continued undisputed under the present Government, and its abolition, therefore, is not urged on any grounds of its illegality. But when the small annual revenue which has been derived from it and the justness and policy of giving up to the landowners the produce of their private estates are considered, I think the Board will agree with me in the propriety of abolishing the system as it now exists and in confining the Government right in Sandal-wood to the produce of the Government lands and forests.

"7. The very same arguments which have lately been so successfully urged respecting the monopoly in Teak bear with equal force on that of Sandal-wood; but more particularly to the impolicy of the system than on the oppression or injustness of it. For, as it has existed from time immemorial, the right is undoubted, and the relinquishing of it must be considered more as a gift to the land-owners than as a restitution of a right. The inhabitants are now, of course, in no way interested in the protection of the trees or in encouraging their growth and increase, and though I have no reason to think that the trees are wilfully destroyed or fraudulently appropriated, it is absurd to expect that any care or attention will be paid to them, or that any attempt will be made to encourage the growth of young plants

or seedlings." The records of the Board [illegible]

From the Board, 10th August 1801.
Do., 6th March [illegible]

estates, and by making [illegible] of servants paid by Government. Both of these [illegible] consequently abundant.

"8. Canara and Soonda are capable of producing [illegible] quantities; but under the present system all that can be [illegible] Government a revenue from Sandal-wood as [illegible] but in order to increase and improve the produce it is [illegible] to the owner and occupier of the soil on which it grows an interest in its [illegible] and improvement, without which it is hopeless to expect [illegible] extended to the capability of the country or to increase the revenue to any considerable amount."

104. In 1824, the Board submitted the above letter [illegible]

To Government, dated 26th April 1824.

[illegible] expediency of the Government [illegible] exemption on account of the Company of the trade in Sandal-wood," which has of late years been relinquished in consequence of the engagements to Europeans having realized their utmost rest." They deprecated the revival of the monopoly in Sandal-wood, and observed: "As the arguments which have lately been urged against the monopoly in Teak apply equally to that in Sandal-wood, and as a profit derivable from this source is stated to be very trifling, the Board would beg to suggest that the monopoly may be abolished and the Hawlut or particular duty on exportation of the article established in its stead."

105. The Government, under date 11th May 1824, [illegible]

To Board, dated 11th May 1824.
E. M. Co. " " "

[illegible] Principal Collector of Canara be authorized, agreeably to his recommendation, to abolish the monopoly of Sandal-wood in that district." Thus the monopoly of Sandal-wood was [illegible] in 1824, so far as regards private estates, and all interference with trees ceased.

106. Sir Thomas Munro noticed the distinctive peculiarity [illegible]

Revenue Selections, Vol. III, page 462.

[illegible] landed property in Malabar and Canara in his celebrated Minute, dated [illegible] December 1824, on the "state of the country," observing in [illegible] "Opinions respecting the ancient state of landed property in India are [illegible] consequence of our ignorance of it. The knowledge of it is [illegible] only so far as it may serve to throw light on its present [illegible] and as a guide in finding the way for improving it. There is no [illegible] landed property, at any one time, existing upon the same [illegible] part of India. From Pulicat to Gingee, in the Ceded Districts, the Baramahal and Coimbatore, it seems to have been always as now, little known except to [illegible]

from the sovereign. Along the Malabar Coast and above the Western ghauts, from Soondah to Wynaad, it seems to have existed from a remote period as now, almost universally."

107. With reference to difficulties which occurred respecting the supply of timber from Malabar, the Government considered in 1824 that the purchase should not be left to agents of the Bombay Government, and observed "that the concern of the Collector in the forests would then be limited to the preservation of public property from spoliation of waton destruction, which was all that was in contemplation as his part of the duty formerly committed to the Conservator, when the correspondence took place which led to the abolition of the monopoly of timber."

From Government, dated 31st August 1824.

Board's general letter, dated 3rd January 1825, paragraph 1215.

108. In his Jamabundy Report of the fasli 1232, the Sub-Collector writes with reference to the flood relief proposed by him in the plains of Baulwal: (Paragraph 27). "There are some estates in Baulwal which have jungles belonging to them, producing Pood-spars and Teak-timber, the profits of which is very trifling to the proprietors, as they grant the right of felling timber to timber merchants for a large acknowledgment. When a reduction of kuiz may be applied for by the owners of such estates, a stipulation should be made that the timber be reserved for Government, or if necessary that the forest should become public property, and in every case where the reduced standard is allowed, the limits of the estates should be carefully defined." The estates of Bantwal and along the ghaut ranges are naturally almost all more or less forest estates. The Coorg Magazine of Bantwal were still under lease to the Rajah at the time this was written. The proposed relief and contingent relinquishments were not carried out. But it is clear that the proprietors were then in full usufructuary enjoyment.

From Collector, dated 28th October 1820, (Enclosures.)

109. In his Settlement Report of the northern taluqs for fasli 1234, the Sub-Collector remarks: "The value of *Mud* estates in this taluq has been very generally increased this year by the abolition of the Sandal-wood monopoly."

From Collector, dated 9th July 1823.

110. In reply to the general inquiry instituted throughout the Presidency in 1826 as to the sale value of land, the Collector explained that the land in Canara fell under the description of private estates paying a lump assessment to Government. "Nearly the whole of the lands in Canara are of this description, they being the property of the individual, who can sell or alienate them as he thinks proper. There are a few (*warga* or) estates, however, in every taluq that are the property of the Circar. But these do not seem to come under any of the descriptions (*given by the patemars*) for they are of no value so long as they remain so, and are always granted on *Mooloogeh* to any one who will pay the kuiz fixed on them, and thus they will come under the said denomination of *private* properties."

From Collector, dated 27th June 1826.

111. In 1832, the Collector of [illegible]

From Collector, dated 25th November 1832. Board's Proceedings, 10th January 1833.

vernment considered that the [illegible] further information "as to the mode of [illegible] ownership of private landed property."

112. The Appendix (Memorandum by [illegible]

From Collector, dated 15th June 1840.

been customary in the province to write [illegible] district containing that of each wuga, [illegible] (boundaries), and total *Kuiz* in [illegible] value and the extent of *Bangels*." And [illegible] under which the accounts of the years Vyasa (A.D. [illegible] (fasli 1210), Dummy (fasli 1211, [illegible] 1215), and the *Theeva Bedi* accounts of [illegible] of Canara. These accounts relate [illegible] under cultivation and previous [illegible] those years, respectively. "The [illegible] the names of the *wuds* (lands) [illegible] These accounts, in fact, did not proceed [illegible] They are of no authority to [illegible] woodland, perishable or waste, or [illegible] nor can any reference be deduced from [illegible] accounts to *Cultivable* lands, as to [illegible] the landlord's (*Mulgar's*) rights or [illegible] when *Kanee* was entered under the head of [illegible] and village-taxes. *Kanee* was not [illegible] assessed without any reference to size or [illegible]

113. On the subject of the *Bargeet* [illegible] Head Sheristadar remarks that it was [illegible] early years: "In fasli 1221, [illegible] the *Chittas*, but these entries were [illegible] entries made of the *Bargeet* of land [illegible] what was purchased, or of what [illegible] accounts are not at all to be found. In these circumstances [illegible] *Bargeet* of the *Jeroyti* [illegible] plans, it would be impossible [illegible] form received from the Board." In short, the existing accounts are more [illegible] for obvious reasons, greatly [illegible] estates."

114. On the subject of the accounts kept in respect to Cheras and margin *Kumeri*, the Head Sheristadar makes the following remarks:—

"Paragraph 5. It is required by the Board's Rules to state the extent of the *Begaram* of the *Kumeri* lands. Previously to Fasli 1232 the revenue derived from *Kumeri* lands was entered in the accounts under the head of Mungarees, or Mowpha. In that fasli, however, the Board directed that as much revenue derived from the land it should be brought to account as the Circars which was accordingly since been done. *Kumeri* lands are not assessable every year from its under cultivation, and their *Begaram* and *Kumeri* Cowlies are not fixed. The caste of people who cut the jungles and cultivate *Kumeri* are the Poolayers, who live altogether in the jungles. These people clear a spot in the jungle and cultivate it with paddy, dhall, castor-oil tree, etc., for one or two years, and they are taxed according to the established custom of the village to which the jungle may belong. " " " It is not customary for a person wishing to cultivate *Kumeri* to make a *Cowlieat*, describing the Chuckrams of the land he wants, or for him to obtain any order or a *Puttah* for it. These people obtain their livelihood by clearing the jungle and cultivating *Kumeri*, and this is their constant occupation. They cut and cultivate as they please. After they have cleared a spot and sown it the Tahsildar collects from them the tax payable according to the custom of the village. In some places this tax is fixed at so much for a couple (man and woman) or so much for a man alone. In others it is fixed according to the number of bill-hooks, or hatchets they make use of in clearing the jungle, there being a fixed rate of payment on each bill-hook and another on each hatchet. Thus these people must be considered as *Bungaroos* (temporary) and not as fixed cultivators. If these *Coonchees* should clear away jungle and cultivate *Kumeri* within the limits of a ryot's warg, they pay the wargdar the tax upon it. There is no separate *beri* fixed on a warg under the head of Kumeri. The *beri* is determined with reference to the whole warg, and the annual settlement is not made so much for *Kumeri* and so much for other items. It would be necessary for the future to ascertain how many persons cultivate *Kumeri* in the Circar jungles and to prepare an account of the *Begarees* of the land so cultivated by them or estimate." Thus the proprietor collected the profits of *Kumeri* cut on his estate; and the absence of *Kumeri* tax entries in the accounts (*warg*) is no evidence that extensive Kumeri tracts and upland ranges are excluded from an estate to which they have belonged by prescriptive and customary usage.

115. In their very complete sketch of the Revenue history of Canara, prepared in 1831, the Board recapitulate the proprietary conditions and landed tenures,—freehold tenancies (*Mulgeny*, etc.) of the provinces and the *gauda*-Zemindari settlement with the landlords (*Mutadars*) which has subsisted from the earliest known period, and was continued by Major Munro and subsequent Collectors. And they add: "It does not appear that the ruling power has ever interfered with the arrangement subsisting between the landlord and his tenant." And they notice: "That the whole of the ancient accounts which were taken from Shanbhogues by Colonel Munro, and deposited with a view to security in the Tauq cutcherries, have since been nearly all

Selected Proceedings of the Board of Revenue, dated 15th September 1831.

destroyed by insects or by fire, and what remains are often in the most unsatisfactory imperfect and mutilated state to be readily useless. The [illegible] rights is not attributable either to the people of [illegible] that Memorandum by the Head Sheristadar is very important as [illegible] proposals frequently received to alter the principles of [illegible] and it shows the impossibility for a person of this kind [illegible] excellence, and its fundamental [illegible]

116. In answer to the Board's question as to the [illegible]

From Collector, dated 16th April 1844.

[illegible] so [illegible] to issue any special cultivation *Kumeri* lands. The land [illegible] it is conceived that each proprietor will cultivate [illegible] and that the interference of the Circar servant is not in any way necessary.

117. In reply to references made in 1820 and 1831, respecting the [illegible] of Malabar reported: "All the timber and plants exported from the district, whether on account of Government or by merchants, being the produce of forests [illegible] property of private individuals and forming part of the trade of Malabar, I conceive they are as much liable to duty as any other article of commerce." And on the subject of the proposal to depute an officer from Bombay, "whose attention should be solely directed to the preservation of the forest on the same principle as that part of the duty of the Conservator was formerly exercised," the Collector remarked:

"6. The policy which induced the Government at Fort St. George to recommend the abolition of not only the monopoly of timber but the office of Conservator of Forests was obviously to afford protection to the inhabitants of Malabar against any encroachment on their private property. That the monopoly which prevailed until 1823 was an encroachment upon private rights and property has been established beyond a doubt. How far, therefore, the adoption of a measure or duty similar to the one which has been done away in consequence of its being connected with the most baneful consequences would be expedient and consistent with justice appears to me extremely doubtful.

"7. However desirable it may be to prevent the cutting of young teak-trees growing in the vicinity of rivers, I confess I am at a loss how any permanent improvement can be had without infringing upon private rights, or with the exception of certain forests situated in the talups of Palghaut, Ponnaputta, and Wynaad (in which timber was never cut, though they abound with the most valuable trees) which belong to the Government, all the rest are private property. The subject does not appear to have escaped the attention of the former Collectors. Both Mr. James Vaughan and Mr. Sheffield repeatedly issued Circular Orders, impressing on the minds of the proprietors of such forests the injury they did to their own interests by cutting half-grown or young trees. Mr. Sheffield, in the 7th paragraph of [illegible] Board, dated the 25th December 1823, proposed that the cutting down young teak-trees should be altogether prohibited under a heavy penalty. I cannot concur with that gentleman in this opinion, as it will be an illegal interference with private

rights, which would be not only inconsistent with the liberal views of Government, but one which would, I fear, excite the greatest discontent."

See enclosure to the Board's letter, dated the 14th April 1823.

118. This letter was submitted to the Board's Proceedings, dated 26th October 1837, to Government.

119. In August 1834 the Collector reported having taken charge of eight *Magannes* of the late Coorg state, viz., six beyond the Ghauts and two on the Canara side, which had been ceded to the Company's Government in 1801 and 1802. As soon as settlements which had been made a part of Coorg in gift and sale from the Rajahs of Coorg were changed to ryotwar assessments, which had been done in the six Canara Magannes, and the revenue had been levied according to the schedule of cession; the same assessment continued the remainder of the Coorg Circar demand. The settlement of the two Coorg *Magannes* of Amr and Sulayah had been more than once altered since they first became part of Coorg, and the final settlement was based on detailed measurement and estimate of produce, one-sixth of which formed the demand. The Commissioner observed: "I should imagine that their present rate of assessment, even though considerably lighter, as it no doubt is, than that of Canara, might still be continued to them without much danger of any feeling of discontent being thus introduced with the neighboring districts, or of any claim being brought forward in those districts, to a similar rate of assessment." The instruction of the Government of India were "to refrain from making any increase in the assessment hitherto levied upon the taluqs of Poolloor and Amr-Sulayah." From the schedule of revenue it appears that the Circar share of produce from jungle lands (*Koomry*) cultivated by ryots" in these two *Magannes* was payable to certain pagodas, as is the case in many instances both in Canara and Malabar.

From Collector, 23rd August 1834.

From Secretary to Government of India, dated 26th August 1834 (with enclosure), E. M. C., dated 9th September 1834 and 12th idem.

120. In 1836 correspondence arose about letting out to Mr. Huxham the right to collect Cassia (a species of Cinnamon) growing on the woodlands and other forest-products of Canara. In reply to Mr. Huxham the Collector informed him: "I have not prohibited the people of this district from disposing of Cassia grown on their own estates in any manner they may think proper. But I have issued orders to prevent the removal of Cassia grown on Government property without the permission of Government." He further offered to lease the exclusive right to collect Cassia in the Government forests. Some further correspondence ensued, and the Collector then explained to Mr. Huxham: "I think it advisable, in order to prevent any misunderstanding hereafter, to bring to your notice that there are many estates in Canara which are entered in the accounts as belonging to Government, and have been cultivated by the same tenants, some since a period previous to the acquisition of Canara by the British Government, and others of late years.

From Collector, dated 11th February 1836, No. 449.

From Collector, dated 4th August 1836.

These are called 'Circar forest estates.' Many of the trees [illegible] not all of them, are entitled to the full proprietary [illegible] of opinion that the right to cut Cassia should be granted to you for this fee. The privilege is limited to the exclusive right of collecting Cassia for the Honourable Company, and no exclusive right to any other product of the Circar Ghauts." The Board replied that they [illegible] throughout the district that the Government are anxious that [illegible] tenants should enjoy the full benefit of the growth of Canara on their [illegible] product within the boundaries of their estates. A certain [illegible] declaration of proprietary right to upland and woodland [illegible] forest-estates. The result found the rights of proprietors [illegible] anticipated and lost by his lease.

From Collector, 17th August 1836, to Board of Revenue, dated 1st September 1836.

121. In reply to the above reference the Collector of Malabar [illegible] "the proprietary right to all forest [illegible] with the exception, I believe, of [illegible] individuals. Any interference on the part of Government with [illegible] would be considered by the landlords and tenants of the [illegible]

From Collector, 15th May 1838.

122. The Collector of Canara reported to the Southern [illegible] little Teak is to be found. The principal [illegible] forests are situated in the Magannes [illegible] lately added from Coorg, and are in most instances claimed as private property, but this claim is founded more on preemptive right established by possession than on the possession of Sunnds or other documents establishing a proprietary right." The rest of the letter has special reference to the forests of the four taluqs of Sonda, Soopah, Honore, and Ankola (which now form part of the Bombay Presidency), where, as pointed out by Major Munro in 1801 with reference to the two former taluqs, the same proprietary rights of private persons existed but not in those taluqs only were public forests at the time of the report and afterwards under Government management. And in a subsequent letter (dated 3rd July 1838) the Collector, in reply to a call to report on the Government forests of Canara, confined his report exclusively to the forest of these four taluqs where he adds, the forests are the property of the Government.

From Collector, dated 18th August 1838.

123. In 1837 the Government called for information on the proposal [illegible] the undersigned to Mundoor, near the [illegible] measures taken for the [illegible] of timber on the Malabar Coast. The Board observed, with reference to Canara, that the reports called for, under date 20th October 1823 and 12th June 1833, from the districts had not been furnished. But they reported that the Collector of Malabar had replied that he deprecated "any direct interference by the officers of Government

E. M. C., 5th September 1837.

Pro. Board of Revenue, dated 26th October 1837.

with the cutting of timber in that District, a guidance that would be an infringement of the right of private property. He lays the blame of the Board's recommended a prohibitive duty on the exportation of young Teakwoods with a view to their preservation on private properties.

124. In the Settlement Report of fasli 1245, the Collector and Head Assistant of Canara recommended that "exemption from the usual fee should be granted to persons who cultivate Acacia * * * on the sides of avenue roads * * * so as to give additional security against robbers and mid-nights."

From Collector, dated 5th November 1850.

125. From certain correspondence which took place in 1852, it appears that the Revenue Board, in consequence of Government of India's Proclamation, dated 21st June, A. D. 1823, to relinquish the exclusive right to Sandal in Canara, was duly published by liberty to fell Sandal growing "within their gardens or within the boundaries of their estates." But the landlords were required to inform the Tahsildar "of the number of trees so cut and of the estate on which such trees may have been cut, etc." This it appears they did not do universally, and in fasli 1265 and 1267 further the local regulations seem to have been found to require previous application to the Tahsildar and other vexatious restrictions, and subjecting land-owners to penalties and confiscations. They were issued with a view to throw the onus *probandi* of right to remove their Sandal-wood on the owners of estates (vide Collector's letter) in the interest of public forests. In 1852 a case for confiscation under these rules was submitted for the orders of the Board. The Board refused to act without evidence as to where the wood was obtained, observing, "confiscation could only take place under the local rules promulgated by Mr. Lewin (*then Sub-Collector of Canara*) in fasli 1236, the validity of which would probably not be recognised in a Court of Law. It is desired, however, to know if the question has ever been tried and with what results." It appeared that the Magistrate (*the same who granted the case to the Board*) had recently committed a case of the kind on a charge of theft, but the prosecution had failed before the Courts. The Magistrates, however, had, it appears, been in the habit of enforcing their own unauthorised restrictions by seizure and confiscation. The Board ordered the relinquishment of the wood seized and refused to endorse the strictures made against the local native officials of remissness. It is obvious to remark that the free concession to the landlords of Canara by the Government of Sir Thomas Munro in 1824 had been sought to be rendered more or less nugatory by meddlesome local executives and a more than doubtful exercise of magisterial powers. But the rights of the people and a sound view of the law as affecting a proprietary district were maintained by the Board and Government.

From Collector, dated 23rd April 1853.
Pro. Board of Revenue, 7th May 1853.

126. In his letter, dated 22nd January 1830, the Collector (Mr. Maltby) stated, "that the Government right in the jungles and waste has never been very clearly defined," and that extensive claims were preferred which he thought doubtful. But he adds: "There is reason to believe that little timber or fire-wood is cut without payment of a fee to some alleged proprietor whose claim is gradually

From Collector, 22nd July 1830.

Proceedings of the Madras Government, Revenue Department,
23rd October 1874.

becoming prescriptive. On a late occasion the Cassia of the Government jungles was rented for one year; but the renter's agents found their right resisted in numerous instances by private claims. In 1823 Mr. Harris deputed servants to Bekul Talug, I believe as an experiment, to ascertain and report the extent of the Government jungles. Their task was an easy one; for throughout this extensive taluq the inhabitants admitted only fourteen small patches to be Government jungle." And, with reference to the survey of the forests, he adds, "but besides the objection to a measure of this nature being adopted from the fear of shaking the confidence of the people, I am not possessed of data from which to judge of the immediate expense which the results of the measure would have to counterbalance." The claims were doubtless ancient right which had existed from time immemorial. But these ancient rights and claims of the proprietary of Bekul are of importance with reference to the proposals before the Board, as will be seen further on.

127. In this part of the district, at all events, proprietary rights have existed from time immemorial in a manner less open to be impugned than in any part of the province. A considerable part of it belonged to Malabar *proper* in ancient times. The Nileshver family are, scions of the great *Jenmi* race of North Malabar, the Cherikul family, and other landed proprietors belong to *Jenmi* families of the south. Landed tenures, etc., in the old principality of Coomlia and other districts are in every respect in the same condition as in the province of Malabar. Pensions of the character of *Malikanah* were granted in this district by Sir Thomas Munro. And from the first the proprietary rights of exactly the same kind as these subsisting in Malabar have been put forward, persisted in, and been fully exercised, and transactions based upon them been acknowledged in the Courts. In their order of 1860, in respect to *secondary tenures* the Government specially reserved this taluq from the operation of that restrictive order. Nothing, I believe, can now justify any interference with the fullest enjoyment of all these ancient rights.

128. In 1839 the Governor of Bombay recorded a valuable Minute (dated 4th April) on the subject of forests on the West Coast districts, in which he reviewed in part Sir Thomas Munro's Minute of 1822, and observed: "If the survey which Sir Thomas Munro judged necessary at that period be still considered desirable by the Madras Government, there can be no time more favorable for undertaking it than the present, when all has been done that was considered necessary to afford due protection to private rights. This survey need not be minutely accurate. For all practical purposes it will be sufficient to ascertain that particular tracts on either Government or private property * * during the progress of the survey and as private claims were admitted, Government should endeavor to *purchase* the royalty on forest rights over such tracts as are well situated for transporting timber to the coast, or are on other accounts desirable. By forest rights I mean the right to exercise conservancy and forbid felling timber not of a proper size." From the earliest days the existence of extensive proprietary rights has been acknowledged in South Canara; and it has likewise been admitted that these claims are of sufficient *prima facie* justice and importance to forbid any action on the part of Government in enforcement of claims to escheated or ownerless forests and waste, until these rights shall have been deliberately and individually investigated and decided on. The legal presumption in lower Canara as in Malabar is that all land is private

property; and that the state's right only amounted to a claim to a share of the produce, and to the right of preventing the owner from alienating his land to foreigners.

129. In reviewing the course of the measures taken by the Government of India in the Coorg districts, Mr. Elliot, in a despatch dated 5th November 1841, thus explained the views which had guided the Government of India at the time of annexation:—"The Government of India, in its anxiety to secure to the Coorgs their ancient rights, and to avoid the slightest appearance of any intention and object then and now entertained by the Government of India, directed the officers to lose sight of the principle."

From Collector, dated 5th November 1841. No. 276.

130. In 1840 the Collector reported on the subject as follows:—

From Collector, 29th April 1840.

"In the Malayalam language the phrase [illegible] (*Kandy*) where the land is all strictly private property, as no waste land but the fallow is not considered in title to any portion of it, follows the owner's [illegible] not common, unless the owner wishes to [illegible] portions of his estate. In the Rajahmundry [illegible] same proprietary right in the soil which in the Province of Canara [illegible] tioned by any of the dynasties under which the country has fallen." And in another communication Mr. F. N. Maltby remarks: "Land and trees are [illegible] ties of the ancient estates has been left in the undisturbed possession of the ryots."

131. In 1841, the Government of Madras represented the Government of India to re-consider their Resolution (dated 2nd September 1840) "not to sanction scales of duty conceived so as to discourage the felling of small trees, in the hope that the larger timbers will become more plentiful." But the Government of India did not apprehend that it could be usefully done for the conservancy either of public or private forests, and declined to enact such measures. However, in 1843, the Government of India sanctioned a revised Tariff, devised with the object of effectually preventing the destructive practice of felling young timber" and of protecting *private property* from the recklessness of speculators (*vide* Court's despatch) in both Malabar and Canara, where the Tariff came into equal operation, and forms one of those acknowledgments that the private rights of land-holders could not be directly interfered with by the State.

From Collector, dated 6th April and 31st May 1841.

Government of India, 7th October 1843. R. M. C., 30th October 1843.

132. In their full review of the subject of the forests of the West Coast in their letter to the Madras Government, dated 30th November 1842, No. 5, M. D., the Court of Directors observed that Mr. Collector Underwood had proposed that the Government "should re-assert its right to the conservancy of all forests whether held by private persons or made over to Government, in so far as to prevent the indiscriminate felling of

trees and to secure planting of others in succession; but we are glad to observe that no intention has been evinced of acting on the suggestion.

"The right of Government to interfere in this manner, now that its pretensions to the ownership of the forests is really renounced, seems to be more than doubtful, and even if it were undisputed, its exercise would be scarcely less troublesome to Government than vexatious to the individuals who would be subjected to it, whilst the advantages that could accrue from it may be obtained indirectly in a manner equally effectual, and much less invidious. For, although a sufficient supply of timber for the wants of the public service will be secured by the possession of the tracts proposed to be held by Government, it will still be proper to protect the community at large from the effects of the improvidence and rapacity which are suffering the forests to be the money of private speculators. Among the plans proposed with this view, the best seems to be the imposition of a duty on the exportation of Teak-wood which should vary only according to the length of the logs without any reference to their breadth. Such a duty, while it would tend to prevent young trees from being cut down expressly for sale, would not, like a tax on the felling of timber, present any obstacles to the clearing of land for cultivation or to the thinning of plantations, neither would it subject the forest holders to any interference from Government officers. We recommend the matter to your consideration.

"6. The attention of the Government of Madras has been drawn to the forests existing in other parts of its territories besides Malabar. In the adjoining province of Canara it appears from the report of the Collector, Mr. Elliot, that there are some extensive forests of Teak. Those in the southern districts are private property. But the northern parts of the province contain some forests apparently belonging to the State, though owing to the distance of some of them from the coast and the dwarfishness of the trees in others, these timbers is not available for ship-building. It is, however, used for various purposes in the surrounding country, and permission to fell it is given to private persons who pay a duty of 5 per cent. on its value. It would probably be not unadvisable to incur any considerable expense for the conservancy of these forests. Nothing more need be done than to check the destruction of young trees by such a modification of the duty as would make it fall most heavily on small timber and to prevent the burning of the under-wood. The plants which are presented as continually springing up from self-sown seeds would then no doubt be sufficient to ensure the permanence of the forests."

133. These sentiments sufficiently evince the view of the Court, and affirm the recognition of ancient proprietary right as affects woodland and forest claimed as private property in Malabar and South Canara.

134. On the subject of planting topes, then under reference, the Collector reported in 1843 "that no assessment has ever been imposed on existing topes or trees in this district, nor have any conditions been attached to the planting new ones. As, from time immemorial, the proprietary right in the soil in Canara was vested in the ryots, they have been allowed to make what use they please of their land, without any interference on the part of Government, so long as they continue to pay the ancient assessment fixed on their respective estates; and the

From Collector, 27th January 1843.

planting of trees and topes near the roadsides and in the vicinity of choultries and pagodas has been common all over the districts." In other words, an immemorial proprietary right over the poramboke within the boundaries of private estates had always existed, and was, and had ever been fully exercised. The same full proprietary conditions prevailed in Malabar, and the Board remarked "that no encouragement is required in Malabar and Canara in the matter of plantain topes. And to these districts, of course, the tope rules are scarcely applicable under the conditions of property, and are not enforced now.

To Government, 11th November 1847.

135. And again on the same subject the Collector (Mr. Blane) remarked "I do not think that the rules would form any encouragement to the people in a country where there are large quantities of waste land enjoyed as private property * * *, the sites described by the rules wherein a tope would be of public utility, *i.e.*, the vicinity of the villages or towns are, for the most part, the private property of individuals."

From Collector, 5th October 1846.

136. In 1846, the Board of Revenue submitted with their concurrence the Collector's (Mr. Blane's) opinion, "that prior to the commencement of any establishment for the conservancy of the forests (*of North Canara*), it would be desirable that they should be accurately surveyed by some qualified officer." And measures were deferred pending the expected visit of Dr. Gibson, the Conservator of Forests under the Bombay Government.

Proceedings of Board of Revenue, 12th January 1846.

137. To the examination of these *North* Canara forests, Dr. Gibson's examination was confined. And the result led to the formal proposal, by the Bombay Government, to have all these tracts transferred to the Government of that Presidency as a measure which "would be attended with great public advantage." This transfer was, after long resistance, finally consummated in 1862.

From Government of Bombay No. 938 of 1848, R. D., dated 14th February.

138. In 1846, the Collector Mr. Blane (who had then very recently joined the district) wrote a report with reference to Dr. Gibson's (of Bombay) communication on the subject of forest establishment, etc., of the Halagbaut Talugs (to which the interest of the Bombay Government had, from the commencement of our rule, been almost exclusively confined), with some incidental remarks on their condition, etc. The remarks, with reference to a call to state his "opinion in regard to the expediency of compensating the native inhabitants of the country adjoining these forests, who may possess any recognised rights to fell and sell timber, and of depriving them in future of such privilege," that, while claims are maintained to the jungle land in lower Canara, no private right to fell or sell timber was advanced in Northern Canara where the population was exceedingly thin. He points out that the only kind of right that would be interfered with by conservancy would be the right of cultivating *Kumeri*, which he describes, and adds: "There would be some difficulty in putting a stop to this, for it is mostly conducted by a class of people,

From Collector, dated 10th June 1846.

M. M. C., 2nd January 1846.

Proceedings of the Madras Government, Revenue Department,
23rd October 1874.

whose habitation is in the jungle, and whose sole employment it is. They would not probably turn their attention to any more fixed or regular employment, but, being rather a wild and uncivilised race, there is reason to fear that, if they were deprived of this their usual occupation, they might take to a less harmless calling and, in short, turn robbers.

"It is not, however, necessary to prohibit this altogether, and, indeed, I may say that any measure which is not absolutely necessary for the protection of the Teak-wood will be a positive evil. The *Kumeri* appears to be, if I may use the expression, a nursery to its superincumbent vegetation. Spots of former cultivation can now be traced in the midst of the densest forests. If to this which has ceased the felling of timber except where the Teak prevails, and would confine the preservation of the other more valuable kinds of jungle-wood exclusively to those spots which are the most accessible to the means of transport."

Proc. of Board of Revenue, 20th August 1846.

139. To these views the Board of Revenue fully concurred.

140. In 1848, the Collector (Mr. Blane) again reported, with reference to a communication from the Conservator of Forests on the forests of North Canara, that the felling of the more valuable kinds of timber had been prohibited in the Government forests in northern part of the districts, as also "the burning of jungle where the better kinds of timber prevail." But it appears that these prohibitions had been confined to the Halagbaut where the property in the soil had always remained to the State, and to the Ankola and Honore Talugs (both now part of the Bombay Presidency) where Teak is found. He recommended, however, modified extension of the prohibition against felling wood and *Kumeri* cultivation throughout the province,—because of the possible influence on the climate, its destructive effect on the forests and their valuable products, and the enhanced cost of fire-wood—by entirely prohibiting this species of cultivation in all places accessible to sea-ports, and by placing it under regulation in every other part of the district. Mr. Blane notices that *Kumeri* cultivation "was formerly confined entirely to the race of wild and uncivilised people who dwell habitually in the jungles; but others have since taken it up." And he deemed that the time had come when it should be put under considerable check if not entirely prohibited. This latter measure Mr. Blane was not prepared to recommend. And he noticed that "the great difficulty in controlling the cultivation of *Kumeri* in lower Canara lies in the absence of all definition of the right of private individuals putting forward claims to private property in those jungles, which enquiry will, I am persuaded, show that they have no real title to * * *. As far as regards the right of Government to preserve the timber in Canara, whatever may be the case in Malabar, I have no hesitation in saying that it is at the fullest liberty to do so. Under the Bednore Government, the five most valuable kinds of timber, viz., Teak, Poon, Black-wood, Jack, and Sandal-wood, were strictly preserved as the sole right of Government. Permission was subsequently given to the people to cut these kinds of timber *on their own* estates under the plea that it interfered with the cultivation. But as there is no public record of the extent or boundaries of the estates, there is no limit to the tracts of jungle which might be claimed. He alludes further

From Collector, dated 31st August 1847.

to the claims urged by the landlords of the Coorg Mysoreans since their retransfer to Canara, to the forests of those parts which were reported on by Mr. Blair under date 18th August 1858 (*vide supra*.) He impugns Mr. Blane's information, and states his (Mr. Blane's) belief that all valuable kinds of wood were preserved for the Rajah "*in the same manner as it had been in the time of Tippoo*." He had referred to the late Dewan and the Subedar of Dharwar and Talgat on the subject of the rights put forward by the trustees of the Adoni legacy, and been so informed by them. Mr. Blane states that a proclamation issued by Mr. Blair in 1844, directing the preservation "*in the Government forests*" of the five kinds of timber above alluded to, had been inoperative; and he recommended that "*there should be a distinct declaration from Government in assertion of the right to all such forests as cannot be clearly established to be private property*." Nothing, Tews was still permitted, he informed the Board, in the Behal Taluq where large tracts of forests are still claimed under the designation of *Kumri rahties*," and adds: "My impression is that there was originally no proprietary right in these further than the permission to cut and cultivate *Kumri* in the Government forests, which were let to particular persons in the same manner as *Pardeys* or the privilege of grazing cattle in other parts of the country, and this revenue was entered in their puttahs. But however this may be, the tax having been entered in the ryot's puttah has come to be considered as having conferred an absolute right to the soil and everything on it, including timber. And this is now transferred by sale, the same as any spot of cultivated land on which a regular assessment has been fixed. The question is one of considerable importance, when it is observed that, if recognised, the proprietary right to tracts of country of from 10 to 30 or 40 square miles has been alienated for the payment of a few pagodas of police revenue. Mr. Blane then faithfully states the actual condition of the law as long administered in the province and the immemorial customary usage of the country in the following words:—"The tenure, however, whether well-founded or otherwise, is one which has been recognised both by the Revenue authorities and the Courts; and I have not, therefore, considered it right to interfere with it, either by prohibiting the cutting of timber or in any other way." And he adds: "At the same time it should not be concealed, in discussing the advantages or disadvantages of such a measure (*as the prohibition of Kumri cultivation*), that the clearance of the jungle has, according to all reports, diminished the prevalence of fever." * * *. On this account principally my recommendation would not go further than the revival of the former rule prohibiting the cutting of the five superior kinds of timber and the entire preservation of the jungle in spots near rivers or on the sea-coast."

141. It is obvious to remark that Mr. Blane here invited the Government to interfere with the established rights of property throughout the district in direct opposition to the law as then administered, and in summary supersession of the long fully-recognised usages and privileges of the land-owners of a proprietary district. He further advised, as it appears to me, an illegal course. For, however, feeble their titles, the people of South Canara had avowedly exercised,—unchallenged though envied,—every privilege of ownership and cultivation, under good colorable *prima facie* claims to ownership, such as it is not competent to the

executive to impugn or set aside without the sanction of the positive law, and under a course of procedure to be dictated by the Legislature. The course which the Collector recommended is one which leads directly to wholesale confiscation.

142. Further, it is clear that Mr. Blane's foreign (evidently derived from Nellore or Kurnool where he had served) "impression" of an analogy between forest of the East Coast and upland rights of the West Coast and the *puttah* tax is the erroneous fancy of a stranger to these countries and their history and to those immemorial, social, and economical conditions of property in this part of India, which have not with the full and just recognition and appreciation of those who have studied them carefully and traced them back, as Sir Thomas Munro had done over several centuries. Mr. Blane unwittingly misstated the relations of the Bednore State towards the ancient princes and landed proprietary of Canara,—at all events in respect to lower Canara,—in respect to restrictions on forest rights or upland cultivation,—relations which even a lawless Mahomedan Government had never systematically disturbed. There is no trace whatever of any State interference with proprietary right to, and full usufructuary enjoyment of, *all the* produce of upland and forest property and cultivation, nor of any reservation of particular kinds of timber, except Sandalwood,—a characteristic native reserve,—in the agricultural history of the West Coast districts. Had others been established, they would have been easily traced. The first restrictions ever placed on Canara and Malabar wood-land proprietors in respect to forest rights was the assumption,—for *national and not provincial purposes*,—of a royalty over Teak and Poon-spar *only*. No other restriction has ever been authorised or sanctioned; and the assumption was merely that of a *royalty*, and did not affect the ownership of the soil, although even this measure in the hands of the Bombay Conservators deteriorated at last into a monopoly. When Bombay Conservators became a law unto themselves in those unhappy provinces, they extended *unauthorised* restrictions to other woods. The list bespeaks its source; for what native dynasty would cut down as State property the Jack-fruit tree growing in the farmer's garden? They assailed the rights of property all over the country and forced a course of felling-licenses on the people which was and still is unknown to the law. But when they attempted to obtain the sanction of law for their unauthorised restrictions and spoliations, it was indignantly and peremptorily denied them; the monopoly was swept away and the fullest liberty restored. Even the Sandal-wood reservation of native Governments has been removed. Mr. Harris's unauthorised vernacular circular never could be carried out, and never was and never can be relied on as justifying confiscation of a people's property. Mr. Blane, no doubt unwittingly, misled Government when he gave these lawless things the dress of historic fact, and, under the strong influences of the Bombay Conservator then in the country and the evil traditions of that office, mistook the unauthorised reservations and encroachments on immemorial private rights, which had characterised Bombay conservancy, for State rights, having the sanction of law or immemorial usage. He misled the Government when he further stated that any interference with the free and lawful usufruct of private property, which cannot be exercised in Malabar, is justifiable in Canara. Because, for all practical purpose, the same rights exist, and have been enjoyed from time immemorial in all

the countries of the West Coast from the Baleghaut to Cape Comorin. As regards doubts cast on Mr. Blair's testimony as to the immemorial rights of the proprietary of the (Coorg) Maganies of Bamwal, it is far more likely that Mr. Blair's calm judgment, after a connection with the district more or less continuous of a quarter of a century is reliable, than is the special pleading of his opponents. There is no evidence whatever,—the reverse may be inferred,—that the Rajah of Coorg ever curtailed those rights, in the possession of which the proprietors of those temporal lands under the British Government in 1799. They lost some of them when the Coorg was leased for political reasons to the Rajah in 1834. But if the Rajah,—misled perhaps by the example set by the Bombay Conservators in Canara,—was induced temporarily to encroach on those rights, the people recovered them when they relapsed to the protection of the State in 1834. The entries in the account's attested at the cession give apparent justice to the temple's claims which, Mr. Blane states, be summarily set aside. Mr. Blane's "impressions" are equally wide of the truth in respect to the ancient proprietary of Bekal,—*long in part* an integral portion of Malabar. They are ancient landlords with rights of the same character as those enjoyed in Malabar, dating back, as regards some, to the days of Perumal. Some of their dislodged princes enjoy grants of a *Maithhari* character, and are practically *Jenmis*,—to use a Malabar term. And a numerous lesser proprietary exists who exercise every right of ownership. Mr. Blane was wrong as to the view which he pressed on Government of the effect of the entry or omission of an entry of *Kanom* tax (*Shist* or *Shamil* or *Motarpha*) in a *revenue pattah*. The entry of *Kanom* tax in the accounts kept between a village accountant and an ancient proprietor or his permanent tenant in Malabar or Canara merely establishes a right on the part of the State to share in the produce of cultivation carried on in the hill and upland tracts of the estate. But such a Ledger-leaf (*asarg*) is no more the annulment of title to an extensive or limited estate, no more evidence in limitation of territorial rights in Canara than is of the tax-gatherer's entry of the *Poonam* tax of a Malabar hill in the village accounts of that province. A revenue *Pattah* or *Durasty Chitta* of recent existence is not a grant of an estate in a district where landed property has been an established institution for centuries. Nor is its non-existence a proof that there is no estate in the adjacent hills. The rights existed before the *pattah*, and are not affected by it either one way or the other. Over hundreds of estates *Kumri* is a recent cultivation; over others the extent entered in the accounts was limited to the hill-axemen's wants at the time the accounts were prepared. But these circumstances do not affect the proprietary rights to the estate.

143. It has become too much the fashion to rail, in the style of Mr. Blane's letter, at the claims of Canara proprietary, as if they were fraudulent and of unheard-of audacity; and to depreciate that thoughtful care with which even possible encroachments on the rights of the people were avoided that had characterised the administration of Canara for nearly half a century, as if it had been inattention to the interests of the State and the country, truth and justice may possibly lie the other way. Canara, like Malabar, has a proprietary history which goes back many centuries, which had been respected by succeeding Governments whatever their creed. And it has been well that its rights were respected and earnestly contended for by Sir Thomas

Proceedings of the Madras Government, Revenue Department,
23rd October 1874.

Munro and others, when peace was less assured that it now is. Poligars and Rajahs and hosts of hereditary land-owners had long appropriated and enjoyed full right of ownership in the soil of Canara wherever situated,—paying the State for the time being a share in the produce of their cultivation only,—in the same manner as in Malabar and elsewhere on the Coast. Longer submission to Mahomedan,—and perhaps latterly Hindu,—misrule than ever afflicted Malabar or Travancore, had removed some of the princes of Canara, especially in the north, and left their hill properties and forests as escheats,—together with many smaller estates with their hill and woodland which were heirless,—to the Government when Canara fell in 1799. But some of the princes, especially in the south, and a very numerous smaller proprietary remained, having greater or less territorial properties and rights. It was not through *carelessness* that these proprietary *claims* were allowed. They were found, on mature examination, to be entitled to just respect. With these landlords of all kinds, the British Government, under the statesmanlike advice of Colonel Munro, framed an estate settlement on the ancient basis. And the Government avowedly left every territorial right unimpugned, and admitted that the soil was private property, save where escheats had occurred or heirs failed. Colonel Munro inaugurated a survey which was intended to define the boundaries of these *quasi*-Zemindari properties; and when Mr. Read commenced it in Barkoor he surveyed hundreds of thousands of *gundahs* of hill property with the then cultivated and assessed area as belonging to *private* estates. He only abandoned these more extended surveys of hill property on account of the expense likely to be incurred for what could *return no revenue*. The people were then ready, and have not since failed to come forward and point out their properties and assert their rights. Even the ancient Sandal-wood royalty was worked on the whole, through the proprietary on whose estates the wood grew. It is unjust, in the extreme, on the part of Government officers to throw, in the teeth of an ancient and loyal proprietary who have well served the State, the *lashes* which are due to ourselves, and to enter after fifty years of toleration on a course of confiscation which would have been repudiated with indignation by those who had their black-books and documents before them, and were able to examine the agricultural conditions of the country before they became confused by the unjust operations of Bombay foresters and acts of recent exacting Collectors.

144. The Court of Directors had enjoined the most careful observance of the ancient boundaries which had governed, from time immemorial, the conditions of property in the country. Our early administrators left these conditions as much as possible in *statu quo*, and earnestly protected the people's rights against encroachments and aggressions. And, well aware (to quote the words of Lord William Bentinck when treating of the valued condition of property in Canara) that "between man and man, these rights have an equal value and security; but before a sovereign who assesses and taxes at will, neither the one nor the other right is of much good;" they refrained from a meddling policy which they knew must sooner or later endanger the stability of the people's institutions. Smarter men have inaugurated a different policy, and, step by step, once sacred rights have been trampled out, till we find an Acting Collector, in 1868, ignorantly affirming that

there is no private property in the country beyond the bank that bounds the assessed paddy-field. I believe that Canara is grossly wronged in these things, and that the wiser and juster policy was that considerate and equitable treatment which is now aspersed.

145. The Board of Revenue endorsed Mr. Blane's report, and the Government authorised "the Collector of Canara to reserve the cultivation of *Kumri* at such places and to such extent as may, in his opinion, be expedient for the preservation of the forest and the general welfare of the province." And were "further pleased to instruct the Collector to assert the rights of Government to all forest land to which a title cannot be clearly established by private individuals."

Proceedings of Board of Revenue, dated 8th November 1847, No. 508.

E. M. C., dated 3rd December 1847.

146. This is the first instance in a Canarese history of half a century, of the executive authorising an unregulated interference with long-maintained proprietary claims,—based on an ancient and sound historical foundation,—that had been long fully exercised in the agricultural and commercial operations of the people. From the first those rights had been acknowledged by the Government; and it had been felt that the claims of the people of South Canara were too respectable to be dealt with without positive law and careful precedent investigation. So that the reversal of a just policy on the unsound report of Mr. Blane may well create reasonable surprise, if not condemnation. The object in view may have been commendable; but, in the absence of either law or sound and prescient administrative arrangement, the choice of the means was not wise.

147. It may be urged in respect to any forests in the ghaut ranges, which belong without dispute to the State, and in respect to upland and woodland estates in the open country to which no claim is preferred, that the prohibition of *Kumry* cultivation and curtailment of ancient communal and tribal easements were within the powers of Government. But even in respect to these, especially in the hill ranges, it must be borne in mind that the forests are not uninhabited, that ancient tribal rights had been exercised which could not justly be summarily foreclosed. Local officers *had*, in early times, described the wild inhabitants of those hills and their agricultural needs and habits. Destructive the latter no doubt were, and as their landlord (the Government) may perhaps interfere to regulate, by mutual arrangement, the respective rights, or may take a law for their equitable composition. But it is neither seemingly nor competent for Government to allow exacting local officers to deal summarily with these rights, as there is reason to fear has since been done under the color of this order. To forbid a wild tribe to raise the food they require is simply to condemn them to slow extirpation, unless by emigration they can find less heartless treatment. These wild starvelings,—starvelings in their finest and best years,—cannot appear before our Courts to vindicate their tribal rights and easements. They simply die out or go. Ardent foresters tell us that they employ them in gathering hill-produce, and that their agents are pitiful and honest in their transactions with these people. They have gathered these products from time immemorial and received payment for them; but they employed them-

selves thus after they had secured their food. Nothing can possibly replace to these men this deprivation.

148. As regards private property,—the cultivation of *Kumri* on private estates,—the permission of Government to arrest its free cultivation was clearly *ultra vires*.

149. The closing part of this order would, I think, be considered a very cruel edict in any settled country. It recalls to my mind the "defective-titles" measure under which so large a portion of all private estates in Livonia was confiscated to the State Exchequer some two centuries ago. Effectively enforced, such a license to challenge every old hereditary estate in proprietary districts like Malabar and Canara must lead to the forfeiture of almost all private property not actually entered in the tax-gatherer's account. Unhappily, there seems but too much reason to fear that its execution has already involved a heavy violation of rights throughout the latter province. Ancient landed properties will not be found to conform to the rule of thumb either as regards papers or extent and boundaries,—much less to Mr. Harris's paltry hundred-yard limit,—in any country. For properties in Canara or Malabar have title-deeds and descriptive muniments, as was well known to Sir Thomas Munro and the Committee of the House of Commons when they called these estates more ancient and more perfect than those of England. Further, the early measures taken to collect the black-books, title-deeds, vouchers, and accounts, which had out-lived in the Canarese' hands half a century of Mahomedan misrule,—only to become the food of white-ants and prey of conflagrations in our cutcherries,—have removed from the hands of the people much that would have helped them to sustain titles whose validity had "already stood more trials than all the estates in England." These titles appear to me to be now undergoing at Collectors' and foresters' hands dilapidation of a surer kind than Tippoo's predatory disregard of right ever could effect. Mr. Thomas's last letter suggests absolute confiscation of every foot of land except the (*Beejwar*) seed-area of paddy or *Kumri* land entered in the revenue accounts.

150. Mr. Blane amplified his "impressions" in 1849; but as the communication was fully reviewed in the Board's Proceedings, dated 16th April 1850, it is not necessary to follow him through his letter, save to remark that the venue of the special case of Narna Cumpty therein reported on has passed into the Bombay Presidency. But that there is nothing whatever in this case *per se*, or in those circumstances which are dwelt on as illustrative of fraud and aggression on State rights, to surprise any one who is really acquainted with the state of property on the West Coast or to suggest fraud. As in Scotland, and perhaps in every hill country in the world, there are many estates in Malabar and Canara as well as amongst the hill-properties and palyems of other parts of India, where wide stretches of hill forests constitute immemorial private properties—the hill-tribes of which have long acknowledged an individual landlord, and in respect of which the Government and people have recognised full proprietary right in some influential person. The same remark applies to the case of Murrah Row (noticed with reprobation in various Proceedings of the Board).

From Collector, dated 31st August 1849.

It is highly probable that an influential family which held seventeen estates at the foot of the ghauts had also been recognised

from time immemorial as the proprietors of extensive adjacent hill tracts,—the family probably became the hereditary *Manigaras*, because it was so influential. The existence of such claims and properties nearly proves how ancient and how complete were the institutions of the country. The Rajah's share entered in the proprietor's account with the Government (to say) was merely the said Mathirpha *tax* on the axes of his predial hill-slaves, for which they, as cultivators naturally looked to their landlords.

151. I cannot find any detailed information of what has taken place in the district in general, in consequence of the orders passed on Mr. Place's views of property in Canara. Most of the Forest and Account correspondence of the next few years,—together with that of the Bombay Government and forest establishment,—relates to the northern talugs where jungle conservancy was more thoroughly carried out, and therefore now no longer of interest with reference to forest or *waragdar* rights in Canara as diminished by the recent transfer. The transfer has removed the scene of many vexed questions, and restricted our responsibilities to parts where private rights have been more fully acknowledged.

152. In 1851, the Collector reported that the proprietors of the Betel Tatoi, especially in the south and Nair inhabited parts, refused to point out the boundaries of their estates or admit the interference of the local revenue-officer. He describes the conditions as follows :—"The landholders of considerable tract are certain petty Rajahs, pensioners of our Government; but other portions are held in estates of varying sizes by the usual class of ryot proprietors." Cultivation had been extended, but repeated endeavors to carry out the revenue system prevalent throughout the district had been abandoned, from time to time, in consequence of stolid opposition; and attempts to enforce authority by the provisions of the Criminal Law had failed before the Judicial Courts. The Collector had repeated these endeavors, but had been met by a passive resistance and refusal to point out boundaries. He detailed a particular case and requested orders. I cannot find that any were issued.

From Collector, dated 23rd January 1851.

153. Jungle rents for pasture became the subject of discussion in 1854-55; and it appeared, as regards Canara, that they were confined to the Balaghaut (now annexed to the Bombay Presidency), where the early records show that the land belonged more extensively to the State. Even there they were of recent introduction. In the other parts of Canara, pasture land only existed on the open parts of country not included in proprietary estates. The Board observed: "They are very valuable to the proprietors in their vicinity. Contentions regarding the right to them led to framing a general rule by which each proprietor is allowed exclusive right to the natural produce (grass and leaves) of the land in question within 100 yards of his cultivated land thus appropriated." They added: "The Collector is of opinion that the land thus appropriated, as well as that beyond the limit specified, might be assessed and included permanently in the *Maipatchas* of proprietors." But unable from the scanty information before them to decide on this last point, the Board directed the

Proceedings, Board of Revenue, 12th December 1857.

Collector to ascertain the feeling of the proprietors on the subject, and report fully, particularly in regard to land beyond the assessed limits, as to which all common appertain.

154. It is obvious to those who have examined the early records that the social and territorial conditions of Canara, like the Deccan, were framed on the *gaon*-hundred-yard limit. The existence of such extensive grants as over-extensive *Inamas* and *Mirasi* estates is unusual and could not have existed. These easements, however, take a different character from those in the Deccan and country, as is the case in polygons and other proprietary tenures in Malabar, and are not necessarily matters which can justly interfere with the rights of Government and the proprietary.

155. In his reply, Mr. Pigot stated: "The Board are aware that both the right of the Government and those of the people in this matter are far from being well-defined. It was even supposed at one time that there was not a foot of land in the country to which some person or other could not claim a proprietary right,—and every advantage was taken of this state of things by the people. For a series of years, in fact ever since the government came into our possession, continuous encroachment has been practised by the people on the rights of Government, and these were for years but feebly defended. * * *. The apparent rights of Government have for some time at any rate been steadily asserted, and bounds have been placed to encroachment and appropriation of waste land. It is now established that private property is confined to that portion of the soil on which a fixed tax has been fixed, and that such land only to that which is here termed the *Mal* property of the cultivator. In certain parts of the district, however, the ryots have been allowed to cultivate, free of all taxation, the land immediately bordering on their paddy-fields and gardens on which nothing but dry grain can be raised, and the terms are understood to imply, though they do not specify, that any portion of this ground brought under wet cultivation is liable to *tarai* according to its class as rice land. It is, however, the exception to the rule where such land is cultivated free and for nothing, and in the greater part of the district the space within 100 yards of the paddy-fields or gardens, styled *Kanaki*, is merely the ryot's as far as its natural usufruct goes."

From Collector, 27th January 1858.

156. Happily for the truth, well-informed men had long ago recorded what refutes this statement. As regards the rights of the Government and of the local proprietary, there are few countries in the world where both are so well-defined and have so long governed, without serious disturbance, their mutual relations as in Canara and Malabar,—nowhere certainly in South India. We found them in full operation when we occupied the country, and then and for long afterwards strictly maintained these relations,—save the temporary disturbance of them caused by the authoritative assumption of a royalty over Teak and Poon-spars. These ancient rights and relations became confused in the minds of the local officers of Canara, only when Bombay foresters and meddlesome functionaries sought to distort rights which had been treated as inviolable from time immemorial. The rights of

neither State nor people will be any longer ill-defined even in official minds,—the people know them well enough,—when these officers withdraw from pretensions which are inconsistent with the conditions of the country and of property. It is true that the State has a right to share the produce of extended cultivation on private estates, as Sir Thomas Munro pointed out in his general instructions to his Assistants. But it is not true that proprietary right in respect to Canara estates is confined to 100 yards round the assessed paddy-fields, or that it did not extend, as in Malabar, to all land which had not lapsed to the Sovereign for want of owners or by escheat. The misapprehension is probably accounted for by the fact that the records of the district are incomplete, and neglect to study the early history has led to recent practices which are at variance with the rights of its people. It was not feebleness or imbecility in the old and established rulers of that province, but justice, which inspired a policy the reverse of the short assertion of equivocal claims of the State, which is here vaunted with ill-informed assurance.

157. Mr. Fisher alludes to the people's acquiescence in the principle that the Government is entitled to a share in the produce of cultivated land. And he adds, that "on delivery of that share * * * their title to land as private property depends." And he considered that the Village Curnam neglected in this view when reporting on offers to cultivate waste land. But he was "very far from recommending that ryots should be made to pay for" so-called *Kumeri*-land,—pending the introduction of the Survey Settlement. He held, however, that a ryot was not at liberty to enclose the land of which he used the grass and natural production. It may be observed that the Collector was herein under grave misapprehension. The Canarese estate is a freehold property within its ancient boundaries (considered so inviolate by the Court of Directors in 1807), whatever the character of the land therein included. And the payment of revenue for the cultivated portion of the estate does not constitute the title to the land in any part of the West Coast, although the right to share the produce is nowhere disputed. I should be quite prepared to assess,—but not confiscate,—dry cultivation on upland throughout the province, after the disturbed rights of the people are fully restored to them. This is done in Malabar (oil-seed, *modan*, *etc.*), and Canara need no longer be an exception to the rule.

158. The Board summarized the Collector's views and observed that they "do not think" that the *Kumeri* lands can be taxed without injury, if not positive injustice to the land-holders as well as a violation of a time-honored privilege, be brought under assessment."

Proceedings Board of Revenue, dated 16th June 1859, No. 2,343.

159. I may incidentally notice that I gather from the correspondence which has passed through my hands, that there is reason to fear that a practice which is not consistent with the rights of proprietors or the safety of durkhastdars seems to prevail in Canara in respect to the disposal of casual offers to cultivate waste land. Where there is a proprietary claim, the land-owners' assent is necessary or an outcry follows from which the Collector's cowle cannot protect him. In Malabar this condition is fully and beneficially recognized in all transactions relating to land within the boundaries of a private estate. The landlords rent is reserved on

entered in the cowle, and this principle should be followed in Canara under like conditions.

160. In their Proceedings, under date 16th April 1859, No. 1,350, the Board reviewed the recent correspondence on the subject of forest and upland rights involved in the question of *Kumeri* cultivation. It may be observed *in limine* that the whole of the argument and assertions met with in this correspondence have for their object that of pressing the foregone conclusion that somehow or other this species of agriculture must be repressed; and Mr. Blane's erroneous "impressions" of 1815 and 1819 are accepted and urged as sound and authoritative. The question here is not the good or evil of *Kumeri* cultivation or the desirableness of placing it under some regulation,—if law for the purpose of inhibiting private rights could be obtained,—but it is the abstract question of right or wrong in respect to the titles of an ancient proprietary. But this point has been lost sight of.

Proceedings of Board, dated 16th April 1859, No. 1,350.

161. The Board quote (paragraph 14, etc.,) Mr. Blane's opinion about the analogy between the upland and woodland properties and rights on the West Coast, and *Poolery* rents in East Coast Districts, and allude to the prohibition of *Kumeri* cultivation in Mysore, Darwar, etc.—where, as we know from the testimony already cited, private rights of the same kind as prevail on the West Coast have not, within the memory of man, existed. And they follow his argument based on the true meaning of the word *warg*, viz., that *warg* or *Puttah*, a mere Revenue account, is not a grant of a property, is not a muniment of title to an estate. But as already stated more than once, the true conclusions from this obvious circumstance are precisely the reverse of what Mr. Blane asked the Board to infer. Individual property in land of every description had existed in Canara, Malabar, and the West Coast generally, long before the exigencies of the native paramount power led to the introduction of a demand for a very moderate share of the produce of *cultivated rice-lands*; this demand led to opening of a Revenue (*shist*) account (*warg*) with each proprietor in pursuance of the old *Bekah* settlement. But this *warg* was only a Curnam's account. It is not necessary here to pursue the Revenual history of the country through its gradually darkening periods, as additional burdens,—with the bitter national stigma of *Shamil*,—were from time to time imposed. Amongst those additions was the *Kumeri Shamil* of some localities and *Kodaly Motugeha* (afterwards converted into *shist*) of others, which were laid, probably by the Mahomedan rulers, on the produce of the casual jungle cultivation which the poor hill slaves of larger proprietors engage in, or which they encouraged at the hands of others on uplands of their estates in the more open country. But the rights of property were never assailed, or its free usufruct restricted, so long as a representative of the proprietor's family survived, and the Revenue demands were satisfied. Sir Thomas Munro found many a noble family crushed by oppression into the condition of daily laborers on their own extensive landed properties; but they still clung with the pertinacity of West Coast proprietors to their ancient hereditary estates. In some cases the estates were even reduced to the woodland outlyings of a once flourishing rice-farm, the fertile rice-lands of which had, during the oppressive times they had themselves survived, passed out of their hands. Sir Thomas Munro

conferred their titles, generously acknowledged their ancient rights, and relieved their wrongs and burdens as far as in him lay, with the full appreciation of a well-informed Government. If ever a policy of confiscation might have been inaugurated with little suffering to our new subjects, with small sense of its injustice in their minds, it might have been done when the oppressed people were prostrate and inured by recent experience to reckless disregard of rights. But Sir Thomas Munro was not likely to be the agent of such a policy nor the Government of Lord William Bentinck to sanction such a course. By him and others, his colleagues and successors, the various items of recorded demands including the Assessed Taxes and other *Mutarpha* charges were collected into *Pattahs* and Village Revenue Ledgers (*wargs*), as a permanent and unalterable demand. But hundreds of proprietors cultivated *Kumeri* on their estates which had escaped the Mahomedan Sunnud. The first settlement was probably a *post-Zemindari* settlement intended to represent the highest demand on the estate. *Kumeri* demands were probably partially added as the cultivation increased or was discovered. So this or it may, neither the presence nor absence of such an item in the Government account with a proprietor had ever been deemed or can now be construed to have an important bearing on the rights of the proprietors over the whole estate included with its immemorial boundaries. Here Mr. Blane's reasoning was wrong, and such as, if applied to Malabar, would involve confiscation of three-fourths of the whole property of the country. The Board's argument, based on wrong premises, is untenable.

162. Estates had fallen by escheat, want of heirs and other causes, to the list of Government. Some were ancient freehold (*Mel*) properties, some the overgrown leaseholds (*query*) of proprietors who had disappeared in the confusion. A judicious principle of administration was followed for many years in respect to this proprietary district,—much the same as has been recently adopted in respect to similar properties in Malabar, *viz.*, that it was better that the State should not retain properties which private individuals were willing to undertake,—these escheats were therefore granted to private individuals, with all the rights and properties of the former *Mulgars*—including, of course, those of free usufruct of the upland and woodland within the boundaries of the ancient freehold. These are the properties alluded to in paragraphs 39 and 40 of the Board's Proceedings. A narrower policy has since been followed; but Government is not at liberty now to question any one of the rights to which the State stood then pledged. "Mulpattah" properties are freeholds within the full extent of the anciently admitted boundaries.

163. The Board state (paragraph 22) the principles of the rules which under the general sanction of Government, dated 3rd December 1847, were being enforced. The legality and policy of these rules may fairly be questioned, and they probably owe their success so far as they are applied to private property and *Wargdar Kumeri*, to the inability of the poor proprietors to establish by documents their titles of ancient right and usage, to which local officers now refuse the consideration which they had enjoyed for half a century.

164. The Board reviewed Mr. Fisher's letter, dated 30th August 1858, No. 91, in the Proceedings marginally noted. All consideration of North Canara,—where Circar *Kumeri* was

Board's Proceedings, dated 16th April 1859, No. 1,350.

extensive consequent on the nature of property,—may be excluded. Those rights must be judged of elsewhere, and we are not now responsible for wrongs there if they still exist. In respect to talugs of South Canara, it is different; and it may be remarked that the Collector returns but one estate in Barkur as having (under the unfair reasoning of Mr. Blane) "*Kumeri* privileges" attached to it; and yet in 1802 Mr. Read found 2,00,000 gunnahs of forest and paramboke in the proprietary estates which he surveyed in *fee* villages; and he abandoned the survey of the hill and woodland property attached to the other estates in that taluq because it was too difficult and expensive and the State had little interest in the result. Bekul had the largest number of *Kumeri Shamilat-ed* estates; and the forest estates of Butwal (and probably Coorg Maganies where the *Kumeri*-tax was collected by certain pagodas) followed next. It further appears (paragraph 31) that the bewildered proprietors alleged grants, etc., of former Government, in support of their rights, while the early records of the State show that these never could have existed,—for the old Native States never claimed a right to the soil, or ever granted sanads to *Inamdars* or to temples on which they might wish to confer a benefit, because the land was already held in full proprietary right by others. So completely was the right of property respected. But under the challenge authorized in 1847, the poor proprietors had to allege in a hopeless defence of existing rights and claims in 1858, that they held grants which could not be produced.

165. The Board endorsed the reasoning of Mr. Blane (paragraph 38) and others, but demurred to the conclusion of three Collectors (paragraph 42) to prohibit cultivation of *Kumeri, especially in Bekul Taluq*, for reasons stated. But they approved of the suggestion of Mr. Fisher for its regulation in certain parts. It may be remarked that the law or principle of administration under which this interference with long-established rights and usages of property was to be carried out is not stated. No law ever existed.

166. The matter was referred to Dr. Cleghorn, whose letter shows that he knew nothing about the matter really at issue. And finally the Government resolved to abolish the *Wargdar Kumeri* on Canara estates with the reservation that "Kumori in the Bekul Taluq be allowed to continue for the present." But they left the Board to consider whether the rate of tax might not be raised to 1 Rupee an acre.

167. With reference to the proposal of Government to raise the demand on *Kumeri* in Bekul, the Collector drew attention to the high demand on *Poonam* in Malabar as compared with that on *Kumeri* in Canara, and recommended that a rate of 1 Rupee per acre be imposed. The Board expressed an opinion that all *Kumeri* beyond certain narrow limits,—assumed by them on the basis of the *Shist* and *Shamil* charges,—which they named, should be treated as Circar *Kumeri* liable to be assessed at 1 Rupee per acre, or finally prohibited. The Board's reasoning is based on the assumption that it is open to Government to deal with ancient private rights in that taluq; and that a certain proportion might be adopted between the entries in the *Pottahs* and Revenue accounts, and the area to be assigned to the proprietor of an estate for cultivation of *Kumeri*. This, I fear, is not the case.

From Collector, dated 13th July 1860, No. 103.
Board's Proceedings, dated 4th August 1860, No. 3,395.

168. The Collector reported that he informed the ryots of Bekul that the rent to be paid "for all lands cultivated * * * will be 1 Rupee an acre," and that probably 10,000 acres would be affected by the order. He sought the aid of a special establishment to carry out the measure and observed: "The Board further sanctioned the demand of 1 Rupee on all *Kumaki* wherever brought under Cultivation." It is clearly within the powers of Government to revise the rates of assessment on cultivation,—indeed the Malabar assessment of Tippoo and the rates were first introduced by one Government,—and the rate adopted for Bekul is moderate. But neither in Malabar nor Canara can a mere right to share in the produce of cultivation legally affect rights to landed property, or entitle us to circumscribe or forbid that free use thereof which has long obtained on the basis of ancient claims and private rights.

From Collector, dated 27th August 1860.
G.O., 6th September 1860, No. 1,780.

169. In 1860, the Sessions Court on the strength of the decision of the Foujdary Adaulut in 1831, in affirmation of a decree of the Provincial Court which had pronounced "formally decided the question of proprietary title to land in Canara," reversed a Magistrate's decision whereby that officer sought to give effect to the executive orders of Revenue Officers respecting reservation in the matter of *Kumaki* land, and decided that "the appellant seems undoubted proprietor of the land and entitled (till better claims are shown) to all that it produces." The Sessions Judge (Mr. Chatfield) was an officer of ripe experience in all matters affecting property on the West Coast where he had served for very many years both in Malabar and Canara. The Board saw that the decision was fatal to the contention of the Revenue Officers in regard to the propriety of the so-called *Kumeri* and *Kumaki* land rules and their restrictions. The origin of the term *Kumaki* has already been shown. I attach no sort of importance to the revival of the term in recent years, and absolutely repudiate in justice to the people the doctrines sought to be based thereon in support of the encroachments and usurpations of which it has been made the specious instrument. Mr. Chatfield read the common law of the land correctly. But there is too much reason to fear from the terrible list of criminal convictions which Mr. Thomas has now submitted, that the Revenue and Forest Officers are again enforcing very questionable fiscal restrictions by improper resort to the Criminal Law.

Proceedings of Board, dated 17th November 1860, No. 5,559.

170. In 1861, the Collector submitted certain proposals for the limitation of *Kumeri* cultivation in the Bekul Taluq. But he was averse to the assignment of certain measured blocks as likely to cause dissensions. These proposals the Board in the main approved of, and they were sanctioned by Government.

From Collector, dated 6th May 1861.
G.O., 24th October 1861, No. 2,032.

171. The rules are such as possibly might be judicious *if imposed with the consent of the proprietor of estates*, but they are not otherwise likely to be accepted by the people. These rules were made applicable to holders of old *Mulpatta Estate*,—before described,—as well as holders of ancient Cowles in which the "Government recognized the *janmi* proprietary rights." The orders issued in respect to old *Mulpattas* and Cowles take me utterly by surprise. These were the old deeds issued by the Collector under the authority of Government to persons who took up escheated or Circar Proprietary (*Mud*) estates; and they conferred on their holders all the rights of the old proprietors within the boundaries of these grants. It was the wise policy of the day to make these alienations. These grants cannot now be set aside; and I have scarcely a doubt that grave injustice was done in the case dealt with in the Board's Proceedings, dated 14th September 1861, No. 5,004. But this Mulpattadar has passed under the rule of the Bombay Government, and the error, if one has occurred, cannot now be righted.

172. In 1868, Mr. Cadell, the Collector, reported on certain petitions by inhabitants of Bekul, in which they pointed out,—as has been seen with absolute truth,—that the southern Maganies were formerly part of Malabar, and that the Court had recognized their claims, just as such rights always are in the latter province. They claimed the same treatment of their ancient rights as prevailed in Malabar. The Collectors did not understand their case, but he pointed out that the local officers had attempted to give effect to certain local rules framed by the Head Assistant, Mr. Webster, "but without success." The *Wargdars* declining to mark out boundaries, and the Collector adds: "The question therefore now is, are these restrictions to be carried out or not? and in what way are they to be carried out and at whose expense?" It was but too obvious that the *Wargdars* would not acquiesce of their own accord, and that the demarcation could only, as the Collector foresaw, be enforced by the Collector himself, or one of his European Assistants and at the expense of Government. The local officers had, in short, forced on direct collision with an influential proprietary. I have not the petitions by me to refer to; but probably the contention is sound in law and fact.

173. Other petitions came in and were reported on by Mr. Thomas, the recently appointed Acting Collector, and he adds: "Rules have from time to time been made, and restrictions laid down on paper, and endeavors made to enforce them; but the acknowledgment of every Collector has been that they have nevertheless been most successfully evaded." The rest of Mr. Thomas's letter is written in a spirit of disregard of right and usages. He would apply what he calls "broad principles of political economy, less cramped by former necessity for weighing local wants and habits,"—and I may add, private rights and the faith of the State. The whole tone of his letter surprises me, and I am satisfied that sooner or later administration carried on in this spirit must lead our officers into serious complication with a large body of influential proprietors in Bekul, such as the Government in their considerate order of the 23rd of May 1860, No. 830, meant expressly to avoid.

From Collector, dated 17th July 1867, No. 126.

174. The Board had never heard of Mr. Webster's rules and called for a copy with the Collector's alterations and additions. And the report now before the Board makes return to the above order.

Board's Proceedings, dated 24th June, No. 4,664.
From Collector, 9th December 1868

175. From the Acting Collector's letter it is clear that he has not made up his own mind on the subject, and he certainly gives no assurance as to the peaceful

acceptance of his proposals by the people we have to deal with. I have most anxiously examined the proposed rules. I am obliged most earnestly to urge the Board to refuse to them their support. The intentions of the local officers may be benevolent and their anxious wish to restrict *Kumri* cultivation is manifested. But it is a serious matter to lead up to a direct collision with every proprietor in a considerable part of the district in respect to those revered rights and modes of property which have in their minds all the strength and justice of an immemorial tradition and long-sanctioned usage. If we force on the course attempted to be inaugurated, we do so with a very uncertain ring of right on our side. A thorough examination of rights and claims and patient settlement of ancient boundaries must precede a measure which, if not well founded, is one of confiscation, and of repudiation of the inferential acknowledgement of rights and long practical theory of property. The interests at stake on the side of the proprietary are large and of long continuance. The cultivation of many thousands of acres of highly profitable land, the health of the community,—for after spending the greater part of a long service on the West Coast, I treat as ridiculous the one-sided assertion that extension of cultivation and removal of forest have not been the cause of its improved healthiness,—and increase of destructive small game are involved. And it is more than doubtful whether the law will support us in endeavouring to curtail rights which the Courts have long acknowledged and supported. Already we have had to compromise a suit brought against Mr. Thomas for the seizure and utterly unjustifiable sale of the wood cut by a *Kumri* land-holder on his own estate, under *Kumri* rules which have no force of law. The interest of the State may be considerable; the object in view, the restriction of *Kumri* cultivation, may be right; and our claim to some of the forests and uplands in Bekul may be not altogether capable of negation. But where a doubt exists as to our right to enforce our claim, we shall do well to undertake considerately the last step that must bring on the collision. I am quite satisfied that the recent action of the Board and Government is open to very serious doubt and question, both in law and in the minds of those whose rights and usages are affected thereby. But I forbear fuller remarks on this subject, as it is not immediately before the Board.

176. I would remand the rules for Bekul for mature consideration or abandonment, restrict that meddling with questionable matters which seems to have prevailed for years, and for the present at least adhere to the Government Order of the 23rd May 1860, No. 880.

177. I cannot find the Buntwal Taluq petitions amongst the papers. But I venture to affirm that the petitioners' contention requires very considerate treatment.

Remarks on the Acting Collector's letter, dated 5th September 1868, *No.* 827.

178. The project submitted in this letter is the next subject before the Board. I have sketched the proposals in a separate Minute, and will only here treat of points of principle.

179. Here again, I think, that we require, amidst the utter confusion into which endeavors to curtail the rights of the people have produced, to relegate local officers to the history of the district and conditions of property in Canara. What does this term "*Kumabi*-land," which has been largely introduced into the

Proceedings of the Madras Government, Revenue Department,
23rd October 1874.

official language of the district during the last 15 or 20 years, mean? For its origin I must refer to paragraph 98 and following of my Minute. If it means anything, it merely means so much of the upland of the old proprietary estates of Canara, as Mr. Harris (by his futile order of February 1822) did *not* propose to confiscate the miserable patch around the cultivation which he would still leave in the possession of the Wargdars for leaves, etc. Mr. Harris, as before explained, took upon himself in direct contravention of the spirit of the administration of time and of all antecedent time, illegally to declare every acre of land beyond one hundred yards around the proprietors' paddy-land "Unear Forest." If he ever really meant to do in earnest what he enunciated in a Vernacular order to the Tahsildars, he probably instantly found that it could not be carried out consistently with the peace of the country. He never ventured to lay the thing before Sir Thomas Munro's government, never ventured to seek a ratification of his confiscatory edict; and the *brutum fulmen* lay in some Taluq Cutcherry, till exhumed by some one zealous to carry out a confiscatory measure which its author could not and certainly did not himself put in force. But leaving for the present this major point, viz., the propriety of such an edict. Even Mr. Harris left this miserable shred of ancient property to the land-owners. The soil therefore of so-called *Kumaki*-land is the *Wargdar's* in full proprietary right; and as such, this remnant,—together with (in South Canara at least) all the other woodland attached to the ancient property,—has been in full usufructuary possession of the *Wargdars* until some late (I fear misguided) Collectors began to meddle with it. It is and has been theirs to preserve, enclose, and to use as best suits them, and they have done so pretty largely. The State cannot interfere with it in any way whatever; and anything that has been done, or is in operation in restriction of full proprietary use of it, cannot be sustained in Law or Justice. If forest and other officials are cutting wood on these properties, they are incurring, I fear, serious responsibilities.

180. Incidental notices of a claim restricted to the woodland up to the watershed of the hills that surrounded the gardens and rice-farms of the smaller proprietors and tenants occur in the early and earnest pleadings of local officers against the operations of the Bombay Conservators and their Contractors in the Supah and Sonda Taluqs of the Balaghaut of *North* Canara and elsewhere. In those taluqs, the forests belonged to the State,—probably as escheats or forfeitures from the old Poligars of Sondah, Bilghi, etc.,—and were in the hands of the Bombay Government. But even there the immemorial right of the *Wargdars* to the surrounding hills was insisted on; and a draft of a Regulation that would have confiscated them was resolutely resisted by all officers on the West Coast and Government, and was never passed into law. These casual utterances cannot, however, now be forced, so as to negative full free-hold rights or to circumscribe within limits, short of their full ancient boundaries, those landed estates which Colonel Munro found in existence from time immemorial, which he and his immediate successors admitted, and the Court of Directors accepted in 1804 with "those ancient boundaries or land-marks which to this time have determined the extent of private property, and by which proprietors of land have been governed from time immemorial." It would no doubt have been more convenient now had the extended boundaries of estates been surveyed at the time, and Colonel Munro's intention was that this should

be done. Still, taking the apparent result of the partial survey of the Nurkar Taluq, it seems that this measure would only have affected the ends of existing contentions. However, a survey of this character was not attempted with in both Malabar and Canara, as the State had then but little financial interest in the extensive upland and woodland parts of large estates. Under a long-established exemption of royalty, the woodlands became increasingly valuable both to Malabar and Canara, but no law was passed altering rights or properly so called thereon, and the only acknowledgments of proprietary conditions have never been recalled.

181. Now, as respects the reservation of five classes of trees on the so-called *Kumaki*-land property. Royalty over timber on private property was assumed as respects Teak and Poonapar only; but even this was never affirmed by law. All other reservation were unauthorized and illegal encroachments of Bombay Foresters,—whose operations by the way were probably confined to North Canara. Mr. Harris's *forest* reservations of 1823, in respect to certain timber on the hundred yards of land which he proposed,—out of pity to the people and for the sake of the Revenue dependant on their cultivation,—not to confiscate, are at best illegal, and are to this day unauthorized and unratified. They cannot now be made good, without a positive legal enactment to give effect to them. Of course, in this respect too, Mr. Harris's order was inoperative at the time and for long after it issued. The people have preserved their woodlands, planted their fruit-trees and were at peace for well nigh half a century after Mr. Harris's Vernacular *Tabeed* was issued to the Tahsildars. Apparently exertions have been recently made to give effect to Mr. Harris's unauthorized order in respect both to the declaration of Government forests and the reservations on *Kumaki*-land. But the ground-work of these acts will not, I much fear, stand examination either in law or policy.

182. As respects the latter, which is the matter actually before the Board, it is scarcely necessary to urge that Mr. Thomas's letter discloses a most reprehensible state of things,—a condition that seems to me to move that revive the worst features of the old Bombay Conservancy, which was swept away in 1822. And from his letter I infer an unauthorized revival of the Sandal-wood monopoly long since abolished, for much of this wood grew on private estates. The Collector himself has now joined in these confiscatory measures; and has even seized, without the authority of the Board or Government, and sold off the long-preserved woods of one of the greatest temples in the country. And what between the Revenue Officers (tempted by possession of the Jungle Conservancy Fund), the Forest Department who are cutting and selling the people's fire-wood for Revenue purposes, and the D.P.W. Department who are felling under Government Order, dated 9th January 1869, No. 75, the people's fruit-trees,—and whose head sententiously disbelieves that the Government have not even a semblance of claim over *unreserved* wood on *Kumaki*-land,—a state of things has set in which is driving the people to endeavor to save something of their property by its anticipatory destruction. The local officers further assure us that landowners are prepared and almost anxious to submit to anything,—even to a tax unknown to the Revenue history of the district and such as never could be accepted except under sad alternative pressure,—to save their cherished fire-wood preserves and woodland properties from being harried by State officials.

An unseeming struggle for who shall be the first to cut down what the people have hitherto assiduously preserved has set in all over the district. Mr. Thomas repents the consequences of the example he has set, and proposes to assess all woodland and save it from State depredation.

183. The alternative which Mr. Thomas proposes, and the new tax he would introduce, may be deserving of consideration. But the question of right or wrong must first be settled; and we must know far more about the feeling of the people of Canara,—and of Malabar to whose woodlands the same principle of assessment applies,—than Mr. Thomas's limited experience of the West Coast can enable him to ascertain, before we adopt his advice. The small list he sends up does not represent the proprietary of Canara. At all events it is obvious that this is not the time to introduce a novel measure of taxation. The disorders which he reports on must be reduced to order; and the people must be comforted and assured of their just rights before we resort to taxation.

184. My advice to the Board is to obtain from Government a full and distinct ratification of all rights and immunities in respect to so-called *Kumaki*-land at least; to advise the Government to withdraw so-called Government Conservancy,—which appears now to consist in selling off the old preserved woods of the people,—from such private properties, and to withdraw the license to the subordinates of the Department of Public Works to help themselves where and as they like to the private woods of the country. The altered relation assumed of late years by Revenue Officers to the people and their rights requires, I think, the mature consideration of the Board. I fear we must now have in Canara a dissatisfied and doubting people,—perhaps an unwittingly wronged proprietary.

185. I regret the length of this Minute, and still more the inexcusable delay that has occurred at my hands in disposing of these papers. The subject required more research and thought than I had at first anticipated or had time to devote exclusively to it.

3rd December 1870. (Signed) W. ROBINSON.

These papers involve the question of the right of Government to forests in South Canara. In the letters from the Collector and the Conservator, whether they refer to Kumeri, Kumaki or Forest Conservancy, it is assumed that the forests all belong to Government. In this they are justified by the tenor of all reports from Collectors, Proceedings of the Board, and rulings of Government for many years. The Honorable Mr. Robinson, Second Member of the Board, now absent on duty, believed this position to be unsound, and the disposal of the papers was delayed whilst he collected the information embodied in his Minute of the 3rd December 1870.

2. The opinion now prevalent as to the rights of Government over forests in South Canara rests on the assumption that, in the absence of grants from Sovereigns, the right to the soil cannot belong to private proprietors. Thus, in 1838, the Collector, Mr. Blair, said that the principal forests in the Magaries lately added

From Collector to the Board, 18th August 1838, quoted in Mr. Robinson's Minute, paragraph 122.

from Coorg were claimed by private proprietors, but the claims rested on presumptive right established by enjoyment *rather than* on grants or title-deeds produced.

Paragraph 126. *Copy of paragraph cited.* In 1859, Mr. Maltby stated that the Government right in jungles and waste had never been clearly defined, and that extensive claims were preferred which he thought doubtful but which were supported by long use. In Bekal, for instance, only fourteen small patches of jungle were considered to belong to Government. In 1862, Mr. Blair spoke with great confidence of claims organized which he was persuaded due inquiry would show there was no real title to, but even he saw the necessity of such an inquiry, and recommended that Government should assert its rights and challenge private title by a decisive declaration. This has never been done, but the conviction of the right of Government gained ground, till in their Proceedings of the 15th February 1864, No. 936, the Board pronounced themselves satisfied that no claim to forest-land as part of a warg need be admitted unless unquestionable evidence of a Sista grant was forthcoming. In the letter recorded in Board's Proceedings, 24th June 1868, No. 1,661, Mr. Cahill speaks of the claims of private proprietors in the forests and waste of the five Southern Meerasies of the Cassergode Taluq as having then been brought forward *for the first time*.

8. That the assumption on which those dicta are based is open to attack may be shown by quoting Mr. Thackeray's

Paragraph 45. *report of the 5th August 1807.* "It may be said that original grants conferring the right of property to the original grantees should be produced * * *, but it may be answered that perhaps in no country, at least in no country long settled and civilized, do such original grants or title-deeds exist * * *. Deeds transferring land are to be found in Canara and in England; grants conferring Circar lands are forthcoming in both countries; but perhaps in neither country original grants or deeds conferring or establishing the primitive right of property in the soil could be found, for they most likely never existed."

4. The strong opinion given by the Board in their Proceedings of the 11th February 1864, No. 936, alluded to above, seems to have been founded chiefly on a report from Mr. Harris, dated the 13th September 1820, quoted by Mr. Thackeray in his Minute of the 8th August 1832, page 13, and by Mr. Robinson, paragraph 79. They do not arrive at the same conclusion as the Board, and the report is eventually far from showing that no private right in forests existed without a public grant.

5. It would be impolitic to attempt to modify the prevalent opinion in this as in other similar cases, if it rested on a consensus of the authorities from the time when British administration began, or if it had even been established by a searching inquiry conducted on the spot, but this is not so, and the Wargdars of South Canara have a right to a hearing which has never yet been conceded to them.

6. A great part of Mr. Robinson's Minute is devoted to proving that the proprietary right in the soil belongs to private proprietors to a far wider extent in Malabar and South Canara than in other parts of the Presidency. This is generally admitted, and cannot be contested in the face of the evidence collected by

Proceedings of the Madras Government, Revenue Department,
23rd October 1874.

Mr. Robinson, but it is only of importance in the consideration of the present subject as diminishing the *a priori* probability that the forests belong to Government, or, in other words, necessitating some proof of the title of Government in cases where it is denied.

7. It must, the Board think, be conceded that if when writing of "lands" the old authorities meant to include in the term primeval forest, Government have no right to any part of it, except to such as is unclaimed or has escheated for want of heirs or otherwise, but a careful analysis of their language serves to show that this is not the case. In reporting on the circumstances of their district as Revenue Officers, the Collectors naturally confined their attention to such lands as were or might become capable of cultivation. Just as the Circuit Committees in calculating the assets of estates for the Permanent Settlement left the forests out of consideration because they were not remunerative then, and it was not foreseen that they would be remunerative in the future, so the Collectors of South Canara in writing of "lands" did not think of the great

Paragraph 70. primeval forests of the hills and ghauts.

8. "The right of Government to the forests of which it assumed the royalty in 1807, *viz.* those which lie along the basis of the ghauts and occupying those woods and mountainous tracts that are not inhabited, where forest trees grow spontaneously without human aid," has probably never been questioned.

9. Thus in the phrases "all lands were private property," "the accounts * * * took no notice of waste lands," "all land was private property," "the only land that can in any way come under the description of Circar land is unclaimed waste," "all public documents convincingly testify that Circar land was altogether unknown," "almost all land is private property" used by Munro in 1800, it seems clear that he is not alluding to primeval forest, or he would certainly have mentioned it specifically. It is impossible to believe that he can have been thinking of the entire wilderness of primeval forests into which the people of those days had never penetrated.

Paragraph 5.
Paragraph 6.
Paragraph 10.
Paragraph 15.

10. *On the other hand*, it is impossible to accept the opinions of Munro, Thackeray, and Ravenshaw without conceding that many, if not most, of the minor forests adjoining wargs are private property. For the proof of this position, and of the fact that the claims are still kept alive in the breasts of the Wargdars, it is sufficient to refer to Mr. Robinson's Minute *passim*, without encumbering these Proceedings by quotations.

11. Hitherto collision between Government and private proprietors has been avoided for the most part, but now that forests are valuable property, it is certain to occur more frequently, and the danger must be put an end to. One of the proposals now before the Board, that all waste and forest land be duly assessed and given to Durkhastdars, cannot be adopted without precipitating the crisis. There has been no survey in the district, the boundaries of the ancient wargs are not specified in any Government records, and it is as true now as it was in 1820 that "there is no subject

Mr. Harris quoted by Mr. Robinson in paragraph 79.

on which so little information is to be gathered as on the forests of Canara." The only way to remedy the present uncertainty is to give the people an opportunity of registering their titles in much the same way as has been done with regard to Inams. As a preliminary, the Collector might call for titles, and after examining a sufficient number report on their nature and value, so that rules might be framed as to what should be admitted and what rejected. A survey would probably be necessary; it has often been proposed, but the fact that it would be more for the benefit of the Wargdars than of Government has prevented its being carried out. Now that the forests are so valuable, this consideration loses much of its weight. The Board do not doubt that documentary evidence of title will be forthcoming. Munro declared in 1800 that, there were more titledeeds in Canara than in England, and that they had stood more trial; nor is there sufficient reason to believe that these private documents have been exposed to any wholesale destruction. There are probably few royal grants, but bills of sale and deeds of gift specifying boundaries may, under certain circumstances, be good evidence.

12. The Board believe that the claims of the people will be found to be far more limited than Mr. Robinson supposes. In the depositions submitted to the Board in Mr. Harris' report of the 14th September 1820, the inhabitants of Bunkwail, while maintaining their right to Kumaki in its widest sense, fully admit the

Paragraph 20. ownership of Government in the great forests. In the survey of the holdings in Barkur made in 1801, though the *jungly waste* included in the holdings was 82 per cent. of the whole, there is nothing to show that it was the whole of the forest included within the circuit of the Magani. The very existence of the opinion now prevalent shows that the rights of Government must be extensive. The old descriptions of Kumeri and Kumaki seem to show that such rights or privileges were exercised in a limited extent of jungle, and that all outside it was public property.

13. Having dealt with the general subject, it remains for the Board to notice the questions which are now more immediately before it. They may be divided as follows:—

I. KUMERI.—The right to cultivate forest clearing claimed in the five Southern Maganies of Cassergode. Can the extent and position of the annual clearings be restricted as Government deem expedient?

II. KUMAKI, the forest or waste bordering on cultivation and held by the Wargdars as an *aid* to their cultivation.—May the holders of Kumaki prevent houses in rising towns from being built upon it? May they cut trees growing on it for sale? Has the Government a right to any such trees?

III. FOREST CONSERVANCY.—Is it to be conducted on the plains by the Collector or the Conservator? Should the Collector give land, forest as well as grass, on a light rent and easy cowle to Durkhastdars, and sell the right of cutting fire-wood in blocks of jungle by auction?

14. Mr. Thomas proposes to solve most of these questions by assessing forest and Kumeki land lightly, and letting people take it for ordinary cultivation, or Kumeri or Kumaki, as they please. He believes, and the Board think rightly, that when the proprietary right of the people is ensured, they can be trusted to conserve the trees better than Government establishment; but it is obvious that the proposal

is inadmissible, if the right of Government to the forest land and kumaki is doubtful and can be successfully contested in the Courts.

15. With regard to *Kumeri* in Bekul, the position of Government in relation to private proprietors is weaker than in any other part of South Canara; this has been always admitted, and the reason is sufficiently indicated in paragraphs 72, 126, 151, etc., of Mr. Robinson's Minute.

16. The argument whether the proprietorship of the Bekul Forests vested in Government or the Wargdars was made to turn upon the point whether the entry of the Kumeri shist in the "warg" conferred a right of proprietorship, and it was decided that it did not, because the warg was an account and not a title-deed, and because Kumeri shist was properly an item of Moturpha, and was originally considered as such. Directly it is conceded that private proprietors *may* have a right in forest *not derived from Government* this argument falls to the ground. Bekul Kumeri *is incidentally* mentioned by Buchanan who saw it in 1801. He says:

Journey from Madras, Volume III., page 71, edition 1807.

"In this neighborhood the hills that are cultivated after the Cotacada or Cumri manner are all private property." The Principal Sadir Amin at Mangalore came to the same conclusion judicially (though as the Board believe on insufficient evidence) in a decree delivered on the 15th January 1871. As might be expected merely from the neighborhood of the country to Malabar, proprietary rights in forest land have been more strongly asserted there than anywhere else in Canara.

Board's Proceedings, dated 28th February 1871, No. 881.

17. It is here, that if the inquiries which the Board propose are undertaken the most extensive claims will be preferred and probably admitted. In the meantime interference with rights which possibly and even probably have a real existence should be avoided.

18. Next with regard to *Kumaki*. The present idea of Kumaki is that it is a margin of waste not more than 100 yards wide which a Wargdar is allowed to use, but which nevertheless belongs to Government. This opinion is based on an order of Mr. Harris issued in 1823, and particular attention must be directed to it, because, in all the late discussions on the subject, it has been appealed to as the order which not only regulated but even originated the institution. Thus in a letter, recorded with Board's Proceedings, dated 17th November 1860, No. 5,359, Mr. Fraser, who was then Collector, says: "The origin of Kumaki land was in 1823, when Mr. Harris, the then Collector,—by two orders of which translations are forwarded,—allotted to each Wargdar the Circar forest or waste land within 100 yards all round the boundaries of his estate or warg, from which he was to supply himself with timber and bamboo for the repairs of his house and agricultural implements, grass for thatching, leaves for manure, and on which he was to graze his cattle, but on which the right to cut Teak, Jack, Ebony, Blackwood, and Poon trees was reserved to Government." Again, in their Proceedings of the 15th February 1864, No. 986, the Board say they "have received a petition from some Cassergode ryots claiming the exclusive right of 'Kumaki' *to the crest* of the hill adjoining their cultivation in every case, the established rule being that a distance of 100 yards on every side is allowed for this purpose. * * *. The existing rule has long been in force, was established

by Mr. Harris who fully recognized the rights of the people in the hill-sides adjoining their estates and the need of maintaining them, and is approved by those best acquainted with the district." These views are embodied thus in the Jungle Conservancy Rules approved in Government Order, 20th May 1869, No. 1,498—"

ryots in possession of lands shall be allowed to cut such trees as may be required free of charge except Teak, Blackwood, Sandal, Red Sanders and Ebony, and that no land is leased to any person within 100 yards from the cultivated land of any ryot."

Felling of the six timbers mentioned in paragraph 7 on Kumaki land is reserved to the Forest Department, and will not be granted on any application to the ryot in possession of the Kumaki." Going still further, the Board remarked, in their Proceedings of the 20th August 1868, No. 3,385, that, in their opinion, the privilege of Kumaki did *not* convey the right to cut Teakwood growing on the Kumaki for sale; and last of all Government in their Order of the 9th January 1873, No. 73, permitted officers of the Public Works Department to supply themselves with timber standing on Kumaki land, as well as other forest land, when required for Government works at sites distant from the depôts of the Forest Department.

19. The usual interpretation of Mr. Harris' order is given in paragraph 160 of Mr. Robinson's Minute. The order was written in Mahratta, and is so involved that it may evidently be easily misunderstood. The present Acting Collector, Mr. Webster, questions the accuracy of the received translation, and has submitted an amended one which runs as follows:—"You were required by Circular No. 50, dated 2nd January, to forward a list of the Circar jungles defining their boundaries and showing what number of Teak and other descriptions of wood grow in them, and in what jungles there are none. With the exception of such of these jungles as the ryots lay claim to, and others which they mention as being an aid to them in the cultivation of their lands, the rest are the property of Government. It would, however, be a great inconvenience to the ryots if such jungles as are a help to them in their cultivation, and those bordering on their lands, should be declared to be the property of Government. You are, therefore, directed to exclude from the list the jungles situated within 100 yards all round the lands of ryots and enter only the remaining jungles, and as the ryots are at liberty to fell from such jungles as are within 100 yards of their lands trees and brushwood, though not trees of the prohibited kinds, you will publish the same amongst the ryots. As it is now declared that with the exception of such jungles as are claimed by the ryots, and those which are an aid to them in their cultivation, all the rest belong to Government, you are not to consider the former call for a list as dispensed with, but will forward a list of only such as actually belong to Government, excluding those within the limits above defined."

20. According to this translation, it would appear that Mr. Harris considered Government had no right to jungles claimed by private proprietors (whether claimed as Kumaki or otherwise); that the limited Kumaki of 100 yards was a *new grant given out of reclaimed jungle when necessary*; and that the owners of Kumaki even when them newly granted had a right to all the trees on it except Teak and Poon, which had been reserved for national purposes, and were then claimed for Government even when they grew on soil which was undoubtedly private property.

21. Considering that Mr. Harris was the Collector who, writing of the ryots of Canara in 1821, said: "In their wood-puttahs of 300 years ago, there is an entry entitling the possessor to enjoy in perpetuity, together with his Bylu paddy-land, as much extent of hill together with its produce as skirted its boundaries;" and in May 1823 spoke of "the forest tracts reserved from ancient times as royalties," as the only forests which Government had to conserve, it can scarcely be doubted that the meaning of his Mahratta order of February 1823 is in accordance with Mr. Webster's translation of it.

To Board, 8th September 1821, quoted in paragraph 84.

22. Kumaki, as the term was understood in the first-half of the century, is described in the letter from Mr. Alexander Reade, then Collector, dated the 18th August 1815, and quoted in paragraph 68 of Mr. Robinson's Minute. He urges that the proposed Forest Regulation should not "apply to as much of the sides of hills as border on their estates, which since the time the shist was said to be determined at the close of the Bednore Government about 1660, although forest lands were deducted, *they have* considered as private property in order to secure the necessary supply of water."

23. The Board are convinced that the existing restrictions on private rights in Kumaki land ought to be immediately removed from all but very recent grants, and they believe that when the claims of Wargdars to forests are examined they will be found to be for the most part claims to Kumaki as far as the crests of the hills surrounding their estates. The evil which has been done by giving the Conservator and the officers of the Public Works Department authority to cut timber in Kumaki land is vividly depicted by Mr. Thomas. The Wargdars, seeing their rights invaded, cease to conserve and cut trees surreptitiously as fast as possible, and the best wooded bits of land in the plains are thus being rapidly denuded of timber. The Conservator of Forests seems to have shown some consideration for the feelings of holders of Kumaki, though he thinks them unreasonable. The officers of the Department Public Works have utterly disregarded them.

24. If the people had acquiesced in the present state of things, this might be a sufficient reason for not disturbing it; but such is not the case. The Board have ascertained that even when forced under present rules to durkhast for land, the ryots describe it not *as Government land*, but *as Government land under the present rules*.

25. Lastly, with regard to *Forest Conservancy*. The Board will deal briefly with this subject, because they think the uncertainty with regard to what are public and what private forests is so great as to make it impossible to dispose of the subject. Mr. Thomas considers the conservancy of the Forest Department inefficient, and proposes to enlist the people in the cause by giving them forest land at easy rates, and he adduces the numerous applications he has received to take up forest land on these terms as affording proof that the proposal is popular with the ryots. He considers that all jungles within twenty miles of the coast should be conserved by the Collector, and not by the Forest Department, and states how he considers a Conservancy Fund should be established and employed. It appears from his letter of the 23rd November 1869, No. 1,498, that in trying a scheme for disposing of firewood blocks by auction he has interfered with alleged rights of a

mith in the Udipi Taluq in a manner of which they bitterly complain, and if the views which the Board have expressed with regard to private and public rights in forests are sound, the interference is possibly illegal.

26. Before it can be decided how the forests and forest rights are to be conserved, it must be decided what forests and what forest rights belong to Government, and in the meantime it will be safest to let the present system continue.

27. The Board resolve to submit the following proposals for the orders of Government:—

(1). That the Collector be directed to call for and register, after due inquiry, all titles to landed property carefully defining boundaries, and to report on the nature of the titles after sufficient information has been acquired.

(2). That the Collectors of South Canara and Malabar be directed to ascertain the sentiments of the people of their districts as to Mr. Thomas' scheme for a universal light assessment.

(3). That Government renounce all claim to proprietary right to land now admitted to be Kumaki land, and forbid the Conservator and the officers of the Department of Public Works from interfering with trees growing on such land.

(4). That for the present Kumeri in the south of the Cavarapo Taluq be left in *statu quo*, and the attempt to enforce such of Mr. Webster's rules as are novel, discontinued.

(5). That for the present, when darkhasts are submitted for land claimed by private parties, and the claims are made *bona fide*, they be accepted only if the claimants consent.

(6). That for the present the Collector continue to conserve the forests within twenty miles of the coast, but that blocks claimed by *bona fide* claimants be not interfered with.

(True Copies and Extract.)

(Signed) J. GHOSE,
Acting Secretary.

No. 283. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

DEFINITE instructions in regard to their Proceedings of 21st March 1871, which must now be given, will enable the Board of Revenue to decide for themselves the different questions on this subject which have recently arisen.

2. I think it is quite evident that a reluctance on the part of the officers of Government to acquiesce in the traditional and prescriptive rights of the people has led in this case to gradual and unjustifiable encroachments on those rights, and of which an end should now be made. Much may be said on either side of the question respecting the abstract right of Government to property in the waste and forest tracts of the country; but, as a matter of fact, the Government has fortunately shown itself disposed in general to follow the dictates of wisdom and equity by scrupulously respecting the rights and privileges of which the people were found to be in possession when the administration of the country passed into our hands.

First, then, as regards "kumeri," the claim of the occupiers should be admitted, and the attempt to enforce Mr. Webster's Rules abandoned.

Secondly, as regards "kumaki," we should admit the right of the occupiers to property in the forest land adjoining his holding, as far as the summits of the hills which overlook it,

excepting "Teak" and "Poon" timber (which seem always to have been reserved), but where the "wargdar" should be allowed to sell on payment of extra rates.

Thirdly, as regards forest conservancy, it does not follow that all forests and trees are "reserved" by Government, or may be made reserved, because they belong to it, and should be "reserved," of which the reservation will not only work hardship, but unnecessary privilege of the people, or with any popular clamour, for which no ground like a reasonable plausible case can be shown.

3. These rules being laid down, the answer to the proposals in detail made by the Board's Proceedings of 21st March 1871 is easy.

4. The first proposal I would answer in the negative. The proposed inquiries are impracticable and (considering that titles are for the most part unwritten) would be fruitless.

5. The second proposal should also be answered in the negative. Such a proposal would, of course, be inconsistent with the rules above suggested.

6. To the third, and fourth, and fifth proposals, the answer is in the affirmative.

7. I do not quite know what would be the practical effect of the sixth proposal, but the third of the rules above suggested will afford the appropriate reply.

17th July 1871. (Signed) HUGH ARIT

No. 284. MINUTE BY THE HON'BLE H. M. ST. G.

THERE can, I think, be no doubt that in South Canara and Malabar property in land was, at the time of our acquisition in a degree quite unknown in other parts of the Presidency. Neither Hyder nor Tippoo were long enough in possession to make any impression on it, and the aim of our administration has been to uphold and create rights, not destroy them.

2. The "kumaki" claims of the land-holders of South Canara have been before Government on many recent occasions during the last ten years, and opinions have differed as to the nature and extent. "Kumaki" land, as I understand it, is the waste and jungle adjacent to a "warga," and the "wargdar" claims the exclusive possession and manure of it, subject to the condition of paying assessment if he brings it into cultivation, and subject to the reservation of certain trees always regarded as a royalty. This much, I believe, has always been admitted, and is certainly unquestionable. But in 1823, Mr. Harris, the then Collector, issued an order to his subordinates, which has been regarded ever since as limiting the kumaki privilege to jungle within 100 yards of the boundaries of the warga. Recently another interpretation has been placed on this confessedly vague order, viz., that this limit of 100 yards applied only to wargs destitute of other kumaki land. It is not easy to say what Mr. Harris actually meant; but his order was merely a guide to his officers in making out lists of Government forests, and could not affect pre-existing rights; and there is nothing to show that any intention then existed of infringing such rights. Certainly the later and more liberal interpretation is more in accordance with what we know to have been the state of affairs. The ownership of the hill-cultivation appears from the earliest period to have been claimed and regarded as the general limit of kumaki where definite boundaries did not exist.

3. After giving the subject my best consideration, and carefully studying the voluminous correspondence connected with it, I have come to the conclusion that the recent orders of Government, restricting kumaki to 100 yards, are wrong and involve an encroachment on ancient privileges much prized by the people. As regards the method of acknowledged kumaki, our present procedure is, I believe, equally wrong. Teak and Poon appear always to have been royalties, and Sandal was so till 1824. Now, however, not only are other trees included in the reserved list, but Public Departments claim the right of telling whatever wood may be needed for their purposes. I think we should at once stop this practice, and restrict the rights of the State to the acknowledged ancient royalties of Teak and Poon, when they are sufficiently abundant to be worthy of reservation. In all cases the wargdar should have the privilege of

telling them on payment of assignments, and should be allowed the option of buying them out, once for all, on liberal terms.

4. These concessions, if such they can be termed, will avail the Ryots but little, while they will remove much discontent from the minds of and secure the people from the encroachments of private rights and privileges to which the Ryots are subjected.

5. The operations of the Forest Department must be confined to Government lands and State forests. Measures must be adopted for the protection of these. Rules will be required in North Canara the institution of a regular survey would, I fear, create alarm and inconvenience, but the Collector might have a few men (or even the chief Peon) and supply them with orders under himself and his divisional officers. The present rates, which are fixed by Government, appear as to kumki and kumeri somewhat oppressive for a country the rights of the Ryots, and investigating adverse claims, which these rules required into with some degree of minuteness. It will will lead to fictitious claims, which the destruction of all records prior to 1807 will render difficult to disprove.

6. As to kumri we cannot, I conceive, interfere with it ; practically cultivation is lost on Government land it should be discouraged and finally extinguished, for it causes the destruction of valuable forests and prevents or postpones the reclamation of the fallow which produces it. Land once felled never becomes "forest" again, and the bamboo and coarse grass which takes the place of the original trees is notoriously feverish. We should carefully guard against the extension of this wasteful method of culture.

(Signed) J. D. SIM.

No. 285.

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

My clear conviction—the result of intimate acquaintance with the condition of property in Canara and throughout the West Coast—is that of how very few proprietary rights which are as ancient and well-defined as those of Great Britain have been actually invaded in Canara through inexcusable ignorance and the reckless assertion of an unfair and unnecessary policy of administration. This policy has been of gradual growth for the last twenty years, and has now reached its consummation in the hands of the present Collector Mr. Thomas. I would strongly repress this tendency and respect an agricultural history of great antiquity, and conditions of property which deserve to be strengthened and comforted in every way.

2. As regards paragraph 3 of the Board's Proceedings, there cannot be a doubt that the use of such terms as lands, wargs, and the like by the early settling officers of Canara had reference to the landed and agricultural conditions which they found prevailing in the country, and to which they accorded their full approval and confirmation. Such terms, therefore, took to the entire property of the owner with whom they were dealing—*in respect only to the waste land demanded*—whether that property consisted wholly or in part only of cultivated land or was waste, and whether it comprised forest or woodland or not. The revenue demand extended (by the ancient custom of the country as it did in Malabar and in Zemindari settlements) to the cultivated area only, which, of course, was more minutely described ; and it enterprised a demand for tax on such kumeri as might be cultivated from time to time, and in some cases on the natural cardamoms grown in the woodlands and forest portions of those estates which included extensive hill and ghaut-slope areas. The revenue demand had no reference to the extent of estates or to the ancient independent rights inherent in property, and must not now be treated as affecting their extent or limiting their recognition.

3. There is no greater fallacy than that contained in the last sentence of paragraph 9 of the Board's Proceedings. On the contrary the forests of the West Coast ranges were owned by ancient proprietary, and the forest boundaries of the great properties along the ghauts were as well defined and as carefully fought over as ever was the case in Scotland. Sir Thomas Munro merely recorded—with his characteristically earnest veracity—the truth of ages in respect to landed property in Canara, when he declared as the result of his careful and thorough inquiry "that Canara

land is all gotkar unknown." He merely confirmed a condition which is coeval with the historical limits of the West Coast districts. When, therefore, forests have been planted and worked by great proprietors, and when great tracts of forests have been handed by the consent of generations to a proprietary owner, we need be very careful not to interfere or confiscate—create a better title to them, established. The great probabilities which arise out of the ancient conditions of property are quite as much against us in Canara as they are in Malabar. I fear that the experiment proposed by the Board in paragraph 11 of summing up the whole procedure of the forest department—settling titles before the Collectors are feasible. The primary and paramount proprietary rights of Malabar and equally ancient ones in Canara, cannot be so summarily disposed of. The written title-deeds. Deeds in proof of the creation and acknowledgment of these rights comprised no these indefeasible titles, there were in abundance, but a radical investigation on the land as a whole could not probably be carried without compulsory law.

4. To turn to the points immediately before us. As regards kumeri in Ordeal (paragraph 15, Board's Proceedings) I would affirm the views of the Board recorded in paragraph 17, and forbid the application of any kumeri rules to those estates—pending some complete establishment of the right of Government to interfere when the private title claimed to proprietary right is not strong. The protection of private forests, if such they are, falls properly within the scope of a Forest Law, not of a fiscal ordinance.

5. As regards land known as kumeri, I would, without going into any details, simply say that the Government agree with the Board that full proprietary rights should apply to all land occupied or used under the term kumeri, and that all and any interference therewith by the Forest and other departments of Government must be withdrawn—subject only to any rules which obtain in the district generally in respect to the revenue assessment of land of similar quality and condition when cultivated.

6. As regards forest conservancy, it is clear that even the Collector has discovered that proprietors are the best conservators. And I would simply inculcate the greatest care not to interfere with private claims, rights and sentiment which are supported by fair *primâ facie* and *bonâ fide* grounds, until it can be ascertained how far and to which localities any forest rights which the Government may properly claim in Canara, extend. The wargdars of Canara are the ancient Zemindars of the country, whose proprietary holdings vary in size and constitution, but whose estate in every part and product thereof—within those ancient land-marks—is as complete and exclusive as that of any ancient *janmi* in Malabar or Sacred bodder under more recent Zemindari settlements.

7. As regards the Board's proposals, I would defer the first for the reasons above noted for the present at least. An inquiry of the kind—inaugurated simultaneously with the survey operations and consequent litigation in North Canara—might cause much anxiety and confusion.

8. I am not prepared to advocate the second. It could not be carried out without a survey, and the proposal would frighten the *janmi* of Malabar as much as it would surprise the wargdar of Canara. It means the levy on acreable rate on all property without distinction as regards cultivation ; and would, therefore, be a novel form of taxation under any circumstances. Further, I fear that it would prove confiscatory in practice, and would certainly be ascribed to that motive by the people ; for they would be forced to throw up large areas of unprofitable private property from inability to pay the tax on land which they cannot turn to profit.

9. I agree to the third and fourth.

10. The fifth is only fair to the proprietary of Canara, and is in accordance with the practice of Malabar. When a person applies for permission to cultivate waste land which is within the warg or property of another, he must do so with the consent of the proprietor. The Collector should, therefore, issue his pattas or cowls with reservation of a fair proprietor's ground-rent in addition to the revenue demand, as in Malabar.

11th July 1874. (Signed) W. ROBINSON.

P.S.—The period of one H[illegible] [illegible] [illegible] misapprehension exists in regard to the alleged [illegible] [illegible] Sadad had always been—as was the case in [illegible] [illegible] and Poon, so far as an intimate acquaintance with the [illegible] [illegible]

2. Tipu did protect the reserved Teak and Poon trees [illegible] navy purposes, and he perhaps appointed [illegible] was established. The British de[illegible] the Peon[illegible] the supply which they sought. But [illegible] character of a temporary expedient [illegible] usage of the country which can justify any reservation [illegible] which may be growing within ancient private estates [illegible]

20th June 1874. (Signed) W. ROBERTSON.

No. 286. Order thereon, 23rd October 1874.—No. 1,503.

Forests, No. 17.

From the Proceedings of the Board of Revenue, dated 21st March 1874, No. 1,223, and the papers therewith recorded, it is abundantly evident that the attention which has been given of late years to forest lands and the anxiety to enforce proper conservancy has led to a misapprehension regarding the proprietary rights of land holders or wargdars of Canara similar to or even exceeding that which arose between 1815 and 1822, when the forests of Malabar and Canara were worked under the orders of the Bombay Government.

2. It appears that the people of Canara do not at all acquiesce in the present action of the local officers under recent orders, and, although collisions between Government officers and private proprietors have hitherto, for the most part, been avoided, yet difficulties have arisen; and the Board of Revenue are of opinion that now that forests are valuable property they are certain to occur more frequently, and the danger must be put an end to.

3. The first step, which it seems necessary to take, is to reaffirm the position taken by the Madras Government in 1822, when, with the approval (subsequently conveyed) of the Court of Directors, 6th December 1822. they informed the Government of Bombay that they should instruct the district officers of Malabar and Canara that the authority of the Conservator of Forests extended only to the timber and trees produced in the forests belonging to Government, and that, with respect to all other trees and timber, his control over them must be like that of any other person arise from private contracts with the proprietor.

4. The subjects more specially dealt with in the Board's Proceedings under review, viz., kumaki and kumeri, will now be considered.

5. With regard to kumaki, it appears that all recent rulings are vitiated by a defective translation of a vernacular order issued in 1823 by the then Collector Mr. Harris. Briefly the position may be stated thus:—While disputes were going on between the Madras Collector of Canara and the Bombay Forest Conservator regarding the extent of the rights of Government over the forests of the districts, Mr. Harris called on the Tahsildars to make inquiries regarding the

extent of the Government forests, and issued certain instructions for their guidance in conducting those inquiries. Shortly those instructions appear to have been that, in preparing the lists of Government forests, they were to omit all jungles claimed as private property, and also all jungles which were within one hundred yards of cultivated land, as such were required as aids (kumaki) to cultivation, and could not be declared to be Government property without causing great inconvenience to the ryots. The translation accepted until recently makes it appear that Mr. Harris ignored all private proprietary right in forest and claimed for Government all the forests in the district, with the exception of one hundred yards around cultivated estates. This translation, however, besides being challenged on its merits as a translation, is clearly shown to be quite inconsistent not only with all previous orders of Government, but with Mr. Harris's own views as expressed in letters to the Board of Revenue, and the Government have no hesitation in rejecting it. With it, of course, must go all the recent rulings and orders of which it has formed the basis, and all existing restrictions must be removed from the exercise of private rights in jungles which are private property, whether these jungles be claimed as kumaki or otherwise. In the case of land recently granted for cultivation, however, it seems probable that the new wargdar perfectly understood from the commencement that his kumaki consisted merely of the right of taking leaves as manure and timber for agricultural purposes from the Government jungles within one hundred yards of the land granted for cultivation; and where this clearly appears the Government agree with the view expressed in paragraph 23 of the Proceedings of Board of Revenue that there is no necessity for the removal of existing restrictions which is recommended with reference to kumaki of older date.

6. In paragraph 16 of their Proceedings the Board of Revenue anticipate, and evidently with good reason, that, if inquiry be made, extensive claims to private property in jungles in the kassergode (Bekal) Taluq will be made and admitted. Such being the case, the rules drawn up by Mr. Webster must be abandoned, as they are only intended for application in that taluq, and are based on the decision by Government that the kumeried jungles were not private property,—a decision which appears to have turned solely on the rejection of an unsound plea without consideration of the fact that other and stronger grounds had been recognised in the early part of the century with reference to the district generally. With regard to kumeri in jungles admittedly the property of Government, the rule already laid down for its prohibition must be adhered to; but the Government will be prepared, on good cause being shown, to extend to other taluqs the relaxation already permitted in favor of the *hoad* hill-tribes in the Kundapur Taluq.

7. It now remains to consider the proposals made in the last paragraph of the Board's Proceedings, viz.—

(1.) That the Collector be directed to call for and register, after due inquiry, all titles to landed property, carefully defining boundaries, and to report on the nature of the titles after sufficient information has been acquired.

(2.) That the Collectors of South Canara and Malabar be allowed to ascertain the sentiments of the people of their districts on this proposal for a universal light assessment.

(3.) That Government reserve all claim to proprietary rights in land now admitted to be kumki land, and forbid the Conservator and the officers of the Department of Public Works from issuing any more pattas or cowles.

(4.) That for the present kumki lands in the hands of the Government be left in *statu quo*, and the attempt to enforce rules of the Wynaad rules be novel discontinued.

(5.) That, for the present, offers of land be not invited for land claimed by private parties, and the claims are not to be disposed of by the Collector unless the claimants consent.

(6.) That, for the present, the Collector continue to reserve the forests within twenty miles of the coast; but that he be authorized by the claimants to not interfered with.

8. The Government consider that the proposal to call for and register all titles to land would be wrong in principle and tend on the people to follow out to its legitimate conclusion of declaring to be private property in all cases in which no written title was forthcoming, or the title produced appeared to be defective. There seems to be no sufficient ground for declaring to be, except in a literal sense the statement of Sir Thomas Munro that "the only land in Canara that can in any way come under the description of waste land is unclaimed waste."

9. The third, fourth, and fifth proposals are approved, though it seems necessary, with reference to the fourth, to point out that the use of the words "in *statu quo*" is not meant to authorize the continuance of any encroachments on private rights which may have been recently made. With reference to the sixth proposal, the Government would prefer to await further recommendations from the Collector before issuing anything approaching detailed instructions in the matter of forest conservancy; all recent recommendations of local officers having been adopted to circumstances which will be entirely changed by the issue of the present order.

10. The demarcation of valuable forests admittedly the property of Government should be at once taken in hand, and the Collector will report the steps he would propose to adopt for this purpose. He should also submit revised recommendations with regard to all references to the Board subsequent to their Proceedings now reviewed, which have not yet been disposed of, and which seem to be affected by the orders now issued.

(Signed) C. G. MASTER,
Acting Secretary to Government.

To F. R. Bandeman.

MINUTE BY HIS EXCELLENCY THE GOVERNOR.

DEFINITE instructions in regard to their Proceedings of 21st March 1871, which must now be given, will enable the Board of Revenue to decide for themselves the different questions on this subject which have recently arisen.

2. I think it is quite evident that a reluctance on the part of the officers of Government to acquiesce in the traditional and prescriptive rights of the people has led in this case to gradual and unjustifiable encroachments on these rights, and of which an end should now be made. Much may be said on either side of the question respecting the abstract right of Government to property in the waste and forest tracts of the country; but, as a matter of fact, the Government has fortunately shown itself disposed in general to follow the dictates of wisdom and equity by scrupulously respecting the rights and privileges of which the people were found to be in possession when the administration of the country passed into our hands.

First, then, as regards "kumeri," the claim of the occupiers should be admitted, and the attempt to enforce Mr. Webster's Rules abandoned.

Secondly, as regards "kumaki," we should admit the right of the occupiers to property in the forest land adjoining his holding, as far as the summits of the hills which overlook it, excepting "Teak" and "Poon" timber (which seem always to have been excepted, but which the "wargdar" should be allowed to fell on payment of seigniorage.)

Thirdly, as regards forest conservancy, it should be limited entirely to forest lands which are "reserved" by Government, or may be universally admitted to belong to it; and none should be "reserved," of which the reservation can in any way conflict with any accustomed privilege of the people, or with any popular claims for which anything like a *primâ facie* or plausible case can be shown.

3. These rules being laid down, the answer to the proposals in detail made in the Board's Proceedings of 21st March 1874, is easy.

4. The first proposal I would answer in the negative. The proposed measure is not required, and (considering that titles are for the most part unwritten) would be ineffectual.

5. The second proposal should also be answered in the negative. Such a proposal would, of course, be inconsistent with the rules above suggested.

6. To the third, and fourth, and fifth proposals, the answer is in the affirmative.

7. I do not quite know what would be the precise effect of the sixth proposal; but the third of the rules above suggested will afford the appropriate reply.

17*th July* 1874.

(Signed) HOBART.

Proof Corrected

No. 283. MINUTE BY HIS EXCELLENCY THE GOVERNOR.

DEFINITE instructions in regard to their Proceedings of 21st March 1871, which must now be given, will enable the Board of Revenue to decide for themselves the different questions on this subject which have recently arisen.

2. I think it is quite evident that a reluctance on the part of the officers of Government to acquiesce in the traditional and prescriptive rights of the people has led in this case to gradual and unjustifiable encroachments on those rights, and of which an end should now be made. Much may be said on either side of the question respecting the abstract right of Government to property in the waste and forest tracts of the country; but, as a matter of fact, the Government has fortunately shown itself disposed in general to follow the dictates of wisdom and equity by scrupulously respecting the rights and privileges of which the people were found to be in possession when the administration of the country passed into our hands.

First, then, as regards "kumeri," the claim of the occupiers should be admitted, and the attempt to enforce Mr. Webster's Rules abandoned.

Secondly, as regards "kumaki," we should admit the right of the occupiers to property in the forest land adjoining his holding, as far as the summits of the *hills* which overlook it, excepting "Teak" and "Poon" timber (which seem always to have been excepted, but which the "wargdar" should be allowed to fell on payment of seigniorage.)

Thirdly, as regards forest conservancy, it should be limited entirely to forest lands which are "reserved" by Government, or may be universally admitted to belong to it; and none should be "reserved," of which the reservation can in any way conflict with any accustomed privilege of the people, or with any popular claims for which anything like a *primâ facie* or plausible case can be shown.

3. These rules being laid down, the answer to the proposals in detail made in the Board's Proceedings of 21st March 1874, is easy.

4. The first proposal I would answer in the negative. The proposed measure is not required, and (considering that titles are for the most part unwritten) would be ineffectual.

5. The second proposal should also be answered in the negative. Such a proposal would, of course, be inconsistent with the rules above suggested.

6. To the third, and fourth, and fifth proposals, the answer is in the affirmative.

7. I do not quite know what would be the precise effect of the sixth proposal; but the third of the rules above suggested will afford the appropriate reply.

17*th July* 1874.

(Signed) HOBART.

REVENUE DEPARTMENT.

MINUTE BY THE HON. J. D. SIM, C.S.I.

THERE can, I think, be no doubt that in South Canara and Malabar property in land existed at the time of our acquisition in a degree quite unknown in other parts of the Presidency. Neither Hyder nor Tippoo were long enough in possession to make any impression on it, and the aim of our administration has been to uphold and create rights, not destroy them.

2. The "kumaki" claims of the land-holders of South Canara have been before Government on many recent occasions during the last ten years, and opinions have differed as to their nature and extent. "Kumaki" land, as I understand it, is the waste and jungle adjacent to a "warg," and the "wargdar" claims the exclusive possession and usufruct of it, subject to the condition of paying assessment if he brings it into cultivation, and subject to the reservation of certain trees always regarded as a royalty. This much, I believe, has always been admitted, and is certainly unquestionable. But in 1823, Mr. Harris, the then Collector, issued an order to his subordinates, which has been regarded ever since as limiting the kumaki privilege to jungle within 100 yards of the boundaries of the warg. Recently another interpretation has been placed on this confessedly vague order, viz., that this limit of 100 yards applied only to wargs destitute of other kumaki land. It is not easy to say what Mr. Harris actually meant; but his order was merely a guide to his officers in making out lists of Government forests, and could not affect pre-existing rights; and there is nothing to show that any intention then existed of infringing such rights. Certainly the later and more liberal interpretation is more in accordance with what we know to have been the state of affairs. The summit of the hills overlooking the cultivation appears from the earliest period to have been claimed and regarded as the general limit of kumaki, where definite boundaries did not exist.

3. After giving the subject my best consideration, and carefully studying the voluminous correspondence connected with it, I have come to the conclusion that the recent orders of Government, restricting kumaki to 100 yards, are wrong and involve an encroachment on ancient privileges much prized by the people. As regards the usufruct of acknowledged kumaki, our present procedure is, I believe, equally wrong. Teak and Poon appear always to have been royalties, and Sandal was so till 1824. Now, however, not only are other trees included in the reserved list, but Public Departments claim the right of felling whatever wood may be needed for their purposes. I think we should at once stop this practice, and restrict the rights of the State to the acknowledged ancient royalties of Teak and Poon, where they are sufficiently abundant to be worthy of reservation. In all cases the wargdar should have the privilege of felling them on payment of seigniorage, and should be allowed the option of buying them up, once for all, on liberal terms.

4. These concessions, if such they can be termed, will cost the State but little, while they will remove much dissatisfaction in the district and assure the people that the invasion of private rights and privileges is neither the wish nor the intention of Government.

5. The operations of the Forest Department must be restricted to Government land and State forests. Measures must be adopted for the definition of these. After what has occurred in North Canara the institution of a regular survey would, I fear, excite alarm and uneasiness; but the Collector might have a few men (natives of the district) trained, and employ them under himself and his divisional officers. The present time, when we are making valued concessions as to kumaki and kumeri seems very appropriate for ascertaining the rights of the State, and investigating adverse claims, while these can be inquired into with some hope of success. Delay will lead to fictitious claims, which the destruction of all records prior to 1837 will render it difficult to disprove.

6. As to kumeri we cannot, I conceive, interfere with it in private estates; but on Government land it should be discouraged and finally extinguished, for it causes the destruction of valuable forests and prevents or postpones the reclamation of the tribes who practice it. Land once felled never becomes "forest" again, and the brushwood that takes the place of the original trees is notoriously feverish. We should carefully guard against the extension of this wasteful method of culture.

(Signed) J. D. SIM.

No. 284. MINUTE BY THE HON. J. D. SIM, C.S.I.

THERE can, I think, be no doubt that in South Canara and Malabar property in land existed at the time of our acquisition in a degree quite unknown in other parts of the Presidency. Neither Hyder nor Tippoo had been long enough in possession to make any impression on it, and the aim of our administration has been to uphold and create rights, not destroy them.

2. The "kumaki" claims of the land-holders of South Canara have been before Government on many recent occasions during the last ten years, and opinions have differed as to their nature and extent. "Kumaki" land, as I understand it, is the waste and jungle adjacent to a "warg," and the "wargdar" claims the exclusive possession and usufruct of it, subject to the condition of paying assessment if he brings it into cultivation, and subject to the reservation of certain trees always regarded as a royalty. This much, I believe, has always been admitted, and is certainly unquestionable. But in 1829, Mr. Harris, the then Collector, issued an order to his subordinates, which has been regarded ever since as limiting the kumaki privilege to jungle within 100 yards of the boundaries of the warg. Recently another interpretation has been placed on this confessedly vague order, viz., that this limit of 100 yards applied only to warg destitute of other kumaki land. It is not easy to say what Mr. Harris actually meant; but his order was merely a guide to his officers in making out lists of Government forest, and could not affect pre-existing rights; and there is nothing to show that any intention then existed of infringing such rights. Certainly the later and more liberal interpretation is more in accordance with what we know to have been the state of affairs. The summit of the hills overlooking the cultivation appears from the earliest period to have been claimed and regarded as the general limit of kumaki, where definite boundaries did not exist.

3. After giving the subject my best consideration, and carefully studying the voluminous correspondence connected with it, I have come to the conclusion that the recent orders of Government, restricting kumaki to 100 yards, are wrong and involve an encroachment on ancient privileges much prized by the people. As regards the usufruct of acknowledged kumaki, our present procedure is, I believe, equally wrong. Teak and Poon appear always to have been royalties, and Sandal was so till 1824. Now, however, not only are other trees included in the reserved list, but Public Departments claim the right of felling whatever wood may be needed for their purposes. I think we should at once stop this practice, restricting the rights of the State to the acknowledged ancient royalties of Teak and Poon, where they are sufficiently abundant to be worthy of reservation. In all cases the wargdar should have the privilege of felling them on payment of seigniorage, and should be allowed the option of buying them up, once for all, on liberal terms.

4. These concessions, if such they can be termed, will cost the State but little, while they remove much dissatisfaction in the district and assure the people that the invasion of private rights and privileges is neither the wish nor the intention of Government.

5. The operations of the Forest Department must be restricted to Government land and State forests. Measures must be adopted for the definition of these. After what has occurred in North Canara the institution of a regular survey would, I fear, excite alarm and uneasiness; but the Collector might have a few men (natives of the district) trained, and employ them under himself and his divisional officers. It would be well to constitute [illegible] the destruction of all records prior to 1837 render it [illegible] claims to be prepared.

6. As to kumeri we cannot, I conceive, interfere with it in private estates; but on Government land it should be discouraged and finally extinguished, for it causes the destruction of valuable forests and prevents or postpones the reclamation of the tribes who practice it. Land once felled never becomes "forest" again, and the brushwood that takes the place of the original trees is notoriously feverish. We should carefully guard against the extension of this wasteful method of culture.

(Signed) J. D. SIM.

Revenue Department.

Minute by the Hon. W. ROBINSON, C.S.I.

My clear conviction—the result of intimate acquaintance with the condition of property in Canara and throughout the West Coast—is that of how great proprietary rights which are as ancient and well-defined as those of Great Britain, have been seriously invaded in Canara through inexcusable ignorance and the reckless exercise of an undue and unnecessary power of administration. This policy has been of gradual growth for the last twenty years, and has reached its consummation in the hands of the present Collector Mr. Thomas. I would strongly repress this tendency and respect an established history of great antiquity and excellence of property which deserve to be strengthened and confirmed in every way.

2. As regards paragraph 8 of the Board's Proceedings, there cannot be a doubt that the use of such terms as lands, wastes and the like by the early settling officers of Canara, had reference to the landed and agricultural conditions which they found prevailing in the country and to which they accorded their full approval and confirmation. Such terms, therefore, include the entire property of the owner with whom they were dealing—in respect only to the settlement *demand*—whether that property consisted wholly or in part only of cultivated land or waste, and whether it comprised forest or woodland or not. The revenue demand recorded the then ancient custom of the country as it did in Malabar, and in Zemindari settlements to the cultivated area only, which, of course, was more minutely described; and it comprised a demand for tax on such kumeri as might be cultivated from time to time, and in some cases on the natural cardamoms grown in the woodlands and forest portions of these estates, more especially extensive hill and ghaut-slope areas. The reserved rental had no reference to the extent of estates or to the ancient independent rights in and in property, and must not now be treated as affecting their extent or limiting their recognition.

3. There is no greater fallacy than that contained in the last sentence of paragraph 8 of the Board's Proceedings. On the contrary, the forests of the West Coast ranges were owned by ancient proprietors; and the forest boundaries of the great properties along the ghaut-slopes are well defined and as earnestly fought over as ever was the case in Scotland. Sir Thomas Munro merely recorded—with his characteristically correct veracity—the truth of ages in respect to landed property in Canara, when he declared as the result of his careful and thorough inquiry "that Crown land is altogether unknown." He merely confirmed a condition which is coextensive with the historical limits of the West Coast districts. When, therefore, forests have been cleared and worked by great proprietors, and when great tracts of forests have been included by the common consent of generations in a proprietary estate, we must be very careful not to usurp rights—not to interfere or confiscate—until a better title has been established. The *a priori* probabilities which arise out of the ancient conditions of property, and their early recognition by the State, are quite as much against us in Canara as they are in Malabar. I fear that the expedient proposed by the Board in paragraph 11 of summoning the whole proprietary of the district to substantiate their titles before the Collector is not feasible. The primary and immemorial *janmam* (birth-right) titles of Malabar and equally ancient *mulk* (root, origin) titles of Canara are represented by no written title-deeds. Deeds in proof of the exercise and acknowledgment of the rights comprised in these indefeasible titles, there were in abundance, but a radical investigation of the kind needed could not probably be carried without compulsory law.

4. To turn to the points immediately before us. As regards kumeri in Belad (paragraph 15, Board's Proceedings) I would affirm the views of the Board recorded in paragraph 17, and forbid the application of any kumeri rules to those estates—pending more complete establishment of the right of Government to interfere where the *prima facie* claim to proprietary right is so strong. The protection of private forests, if such they are, falls properly within the scope of a **Forest Law, not of a fiscal ordinance.**

5. As regards land known as kumaki, I would, without going into any details, simply say that the Government agree with the Board that full (wargdar) proprietary right clearly applies to all land occupied or used under the term kumaki, and that all and any interference therewith by the Forest and other departments of Government must be withdrawn—subject only to any rules which obtain in the district generally in respect to the revenue assessment of land of similar quality and condition when cultivated.

6. As regards forest conservancy, it is clear that even the Collector has discovered that proprietors are the best Conservators. And I would simply inculcate the greatest care not to interfere with private claims, rights, and usufruct, which are supported by fair *prima facie* and *bonâ fide* grounds, until it can be ascertained how far and to which localities any forest rights which the Government may properly claim in Canara, extend. The wargdars of Canara are the ancient Zemindars of the country, whose proprietary holdings vary in size and constitution, but whose estate in every part and product thereof—within those ancient land-marks—is as complete and exclusive as that of any ancient *jenm* in Malabar or Sunad holder under more recent Zemindari settlements.

7. As regards the Board's proposals, I would defer the first for the reasons above noted for the present at least. An inquiry of the kind—inaugurated simultaneously with the survey operations and consequent litigation in North Canara—might cause much anxiety and confusion.

8. I am not prepared to advocate the second. It could not be carried out without a survey, and the proposal would frighten the *jenmi* of Malabar as much as it would surprise the wargdar of Canara. It means the levy an arrable rate on all property without distinction as regards cultivation; and would, therefore, be a novel form of taxation under any circumstances. Further, I fear that it would prove confiscatory in practice, and would certainly be ascribed to that motive by the people; for they would be forced to throw up large areas of unprofitable private property from inability to pay the tax on land which they cannot turn to profit.

9. I agree to the third and fourth.

10. The fifth is only fair to the proprietary of Canara, and is in accordance with the practice of Malabar. When a person applies for permission to cultivate waste land which is within the warg or property of another, he must do so with the consent of the proprietor. The Collector should, therefore, issue his putta or cowle with reservation of a fair proprietor's ground-rent in addition to the revenue demand, as in Malabar.

11th July 1874. (Signed) W. ROBINSON.

P.S.—The perusal of my Honorable Colleagues' Minutes leads me to think that some misapprehension exists in regard to the alleged royalty of Teak and Poon in Canara and Malabar. Sandal had always been—as was the case throughout South India—subject to royalty; not so Teak and Poon, so far as an intimate acquaintance with the history of these districts enables me to judge.

2. Tipoo did prohibit the export of Teak and Poon which were then sought by the British for navy purposes, and he perhaps appropriated them partially for like purposes; but no royalty was established. The British did the same in the early years of the century, in order to deprive the French of the supply which they sought. But in both cases the interference was of the character of a temporary expedient *pro re nata*; and I know of no provision of common law or usage of the country which can justify our reserving or appropriating either the Teak or Poon which may be growing within ancient private estates in either Canara or Malabar.

20th June 1874. (Signed) W. ROBINSON.

Revised Proof

the result of

No. 285. MINUTE BY THE HON. W. ROBINSON, C.S.I.

My clear conviction, ~~after a long and~~ intimate acquaintance with the condition of property in Canara and throughout the West Coast is that of late years proprietary rights which are as ancient and well-defined as those of Great Britain, have been seriously invaded in Canara through inexcusable ignorance and the reckless assertion of an unfair and confiscatory policy of administration. This policy has been of gradual growth for the last twenty years, and has reached its consummation in the hands of the present Collector Mr. Thomas. I would sternly repress this tendency and respect an agricultural history of great antiquity, and conditions of property which deserve to be strengthened and comforted in every way.

2. As regards paragraph 8 of the Board's Proceedings, there cannot be a doubt that the use of such terms as lands, wargs, and the like by the early settling officers of Canara, had reference to the landed and agricultural conditions which they found prevailing in the country, and to which they accorded their full approval and confirmation. Such terms, therefore, include the entire property of the owner with whom they were dealing—in respect *only to the settlement demand*—whether that property consisted wholly or in part only of cultivated land or was waste, and whether it comprised forest or woodland or not. The revenue demand extended (by the ancient custom of the country as it did in Malabar, and in Zemindari settlements) to the cultivated area only, which, of course, was more minutely described; and it comprised a demand for tax on such kumeri as might be cultivated from time to time, and in some cases on the natural cardamoms grown in the woodlands and forest portions of those estates which included extensive hill and ghaut-slope areas. The revenue demand had no reference to the extent of estates or to the ancient independent rights inherent in property, and must not now be treated as affecting their extent or limiting their recognition.

3. There is no greater fallacy than that contained in the last sentence of paragraph 9 of the Board's Proceedings. On the contrary, the forests of the West Coast ranges were owned by ancient proprietors; and the forest boundaries of the great properties along the ghauts were as well defined and as earnestly fought over as ever was the case in Scotland. Sir Thomas Munro merely recorded—with his characteristically earnest veracity—the truth of ages in respect to landed property in Canara, when he declared as the result of his careful and thorough inquiry "that Circar land is altogether unknown." He merely confirmed a condition which is co-extensive with the historical limits of the West Coast districts. When, therefore, forests have been claimed and worked by great proprietors, and when great tracts of forests have been included by the common consent of generations in a proprietary estate, we must be very careful not to usurp rights, not to interfere or confiscate, until better title has been established. The *a priori* probabilities which arise out of the ancient conditions of property, and their early recognition by the State, are as much against us in Canara as they are in Malabar. I fear that the expedient proposed by the Board in paragraph 11 of summoning the whole proprietary of the district to substantiate their titles before the Collector is not feasible, ~~this is more even physically possible~~. The primary and immemorial *jenmom* (birth-right) titles of Malabar and equally ancient *mulí* (~~root, origin~~) titles of Canara are represented by no written title-deeds. Deeds in proof of the exercise and acknowledgment of the rights comprised in these indefeasible titles there ~~are~~ in abundance, but a radical investigation of the kind mooted could not be ~~undertaken~~ without compulsory law, ~~and on account of its revolutionary character and probably utterly unsatisfactory results would be inexpedient in the extreme~~.

4. To turn to the points immediately before us. As regards kumeri in Bekul (paragraph 15, Board's Proceedings) I would affirm the views of the Board recorded in paragraph 17, and forbid the application of any kumeri rules to those estates—pending more complete establishment of the right of Government to interfere where the *primâ facie* claim to proprietary right is so strong. The protection of private forests, if such they are, falls properly within the scope of a Forest Law, not of a fiscal ordinance.

5. As regards land known as kumaki, I would, without going into any details, simply say that the Government agree with the Board that full (wargdar) proprietary right clearly applies to all land occupied or used under the term kumaki, and that all and any interference therewith by the Forest and other departments of Government must be withdrawn—subject only to any rules which obtain in the district generally in respect to the revenue assessment of land of similar quality and condition when cultivated.

6. As regards forest conservancy, it is clear that even the Collector has discovered that proprietors are the best Conservators. And I would simply inculcate the greatest care not to interfere with private claims, rights, and usufruct, which are supported by fair *prima facie* and *bonâ fide* grounds, until it can be ascertained how far and to which localities any forest rights which the Government may properly claim in Canara, extend. The wargdars of Canara are the ancient Zemindars of the country, whose proprietary holdings vary in size and constitution, but whose estate in every part and product thereof—within those ancient land-marks—is as complete and exclusive as that of any ancient jenmi in Malabar or Sanad holder under more recent Zemindari settlements.

7. As regards the Board's proposals, I would reject the first for the reasons above noted for the present at least. An inquiry of the kind—inaugurated simultaneously with the survey operations and consequent litigation in North Canara—would cause much anxiety and confusion.

8. I am not prepared to advocate the second. It could not be carried out without a survey, and the proposal would frighten the jenmi of Malabar as much as it would surprise the wargdar of Canara. It means the levy an areable rate on all property without distinction as regards cultivation, and would, therefore, be a novel form of taxation under any circumstances. But I fear that it would prove confiscatory in practice, and would certainly be ascribed to that motive by the people; for they would be forced to throw up large areas of unprofitable private property from inability to pay the tax.

9. I agree to the third and fourth.

10. The fifth is only fair to the proprietary of Canara, and is in accordance with the practice of Malabar. When a person applies for permission to cultivate waste land which is within the warg or property of another, he must do so with the consent of the proprietor. The Collector should, therefore, issue his putta or cowle with reservation of a fair proprietor's ground-rent in addition to the revenue demand, as in Malabar.

11*th July* 1874.

(Signed) W. ROBINSON.

P.S.—The perusal of my Honorable Colleagues' Minutes leads me to think that some misapprehension exists in regard to the alleged royalty of Teak and Poon in Canara and Malabar. Sandal had always been, as was the case throughout South India, subject to royalty; not so Teak and Poon, so far as an intimate acquaintance with the history of those districts enables me to judge.

2. Tipoo did prohibit the export of Teak and Poon which were then sought by the British for navy purposes, and he perhaps appropriated them partially for like purposes; but no royalty was established. The British did the same in the early years of the century, in order to deprive the French of the supply which they sought. But in both cases the interference was of the character of a temporary expedient *pro re nata*; and I know of no provision of common law or usage of the country which can justify our reserving or appropriating either the Teak or Poon which may be growing within ancient private estates in either Canara or Malabar.

20*th June* 1874.

(Signed) W. ROBINSON.

No. 285. MINUTE BY THE HON. W. ROBINSON, C.S.I.

My clear conviction after a long and intimate acquaintance with the condition of property in Canara and throughout the West Coast is that of late years proprietary rights which are as ancient and well-defined as those of Great Britain, have been ~~chronically~~ invaded in Canara through inexcusable ignorance and the reckless assertion of an ~~ancient~~ confiscatory policy of administration. This policy has been of gradual growth for the last twenty years, and has reached ~~a grand~~ consummation in the hands of the present Collector Mr. Thomas. I would sternly repress this ~~assault~~ and respect an agricultural history of great antiquity and condition of property which deserve to be strengthened and comforted in every way.

2. As regards paragraph 8 of the Board's Proceedings, there cannot be a doubt that the use of such terms as lands, wargs, and the like by the early settling officers of Canara had reference to the landed and agricultural conditions which they found prevailing in the country, and to which they accorded their full approval and confirmation. Such terms, therefore, include the entire property of the owner with whom they were dealing in respect *only to the settlement of demand*—whether that property consisted wholly or in part only of cultivated land *or* waste, whether it comprised forest or woodland or not. The revenue demand extended (by the ancient custom of the country as it did in Malabar in Zemindari settlements ~~elsewhere~~) to the cultivated area only, which, of course, was *more minutely* described; and it comprised a demand for tax on kumeri, ~~which~~ might be cultivated from time to time, and *in some cases* on the natural cardamoms grown in the woodlands and forest portions of ~~such~~ estates ~~as~~ included extensive hill and ghaut-slope areas. The revenue demand had no reference to the ancient independent rights inherent in property, and ~~cannot~~ now be ~~legislated~~ as affecting their extent or limiting their recognition. (~~must not~~) treats

3. There is no greater fallacy than that contained in the last sentence of paragraph 9 of the Board's Proceedings. On the contrary, the forests of the West Coast ranges were owned ~~and enjoyed~~, and the forest boundaries of the great properties along the ghauts were as well defined and as earnestly fought over as ever was the case in Scotland. Sir Thomas Munro merely recorded—with his characteristically earnest veracity—the truth of ages in respect to landed property in Canara, when he declared as the result of his careful and thorough inquiry "that Circar land is altogether unknown." He merely confirmed a condition which is co-extensive with the historical limits of the West Coast districts. When, therefore, forests have been claimed and worked by great proprietors, and when great tracts of forests have been included by the common consent of generations in a proprietary estate, we must be very careful not to usurp rights to interfere or confiscate, until our better title has been established. The *a priori* probabilities arising out of the ancient conditions and the early recognition ~~as~~ the State ~~in regard to property~~, are quite as ~~wholly~~ against us in Canara as they are in Malabar. I fear the expedient proposed by the Board in paragraph 11 of summoning the whole proprietary of the district to substantiate the titles before the Collector is not feasible, if it were even physically possible. The primary and immemorial *jenmom* (birth-right) title of Malabar and equally ancient *muli* (*root, origin*) titles of Canara are represented by no written title-deeds. Deeds in proof of the exercise and acknowledgment of the rights comprised in the indefeasible titles there are in abundance, but a radical investigation of the kind mooted could not be undertaken without compulsory law, and on account of its revolutionary character and probably utterly unsatisfactory results would be inexpedient in the extreme.

4. To turn to the points immediately before us. As regards kumeri in Bekul (paragraph 15, Board's Proceedings) I would affirm the views of the Board recorded in paragraph 17, and forbid the application of any kumeri rules to those estates pending more complete establishment of the right of Government to interfere where the *prima facie* claim of proprietary right is so strong. The protection of ~~the~~ forests ~~also~~ if they are, ~~main probably private property~~, falls properly within the scope of a Forest Law, not of a fiscal ordinance.

5. As regards land known as kumaki, I would, without going into any details, simply say that the Government agree with the Board that full (wargdar) proprietary right clearly applies to all land occupied or used under the term kumaki, and that all and any interference therewith by the Forest and other departments of Government must be withdrawn, subject only to any rules which obtain in the district generally in respect to the revenue assessment of land of similar quality and condition with cultivated.

6. As regards forest conservancy, it is clear that even the Collector has discovered, ~~after doing much mischief~~, that proprietors are the best Conservators, and I would simply inculcate the greatest care not to interfere with private claims, rights, and usufruct, which are supported by fair *primâ facie* and *bonâ fide* grounds, until it can be ascertained how far and to which localities any forest right which the Government may properly claim in Canara, extend. ~~This is again a matter within the scope of the Forest Bill, whose functions must not be anticipated, whether in the form of menace only or of actual invasion of ancient popular rights or property, which have not yet been subjected to regulation.~~ The wargdars of Canara are the ancient Zemindars of the country, whose proprietary holdings vary in size and constitution, but whose estate in every part and product within those ancient land-marks is as complete and exclusive as that of any ancient jenmi in Malabar or Sanad holder under the more recent Zemindari settlement.

7. As regards the Board's proposals, I would reject the first for the reasons above noted for the present at least. An inquiry of the kind—inaugurated simultaneously with the survey operations and consequent litigation in North Canara—would cause the ~~utmost~~ much anxiety and confusion.

8. I am not prepared to advocate the second. It could not be carried out without a survey, and the proposal would frighten the jenmi of Malabar as much as it would surprise the wargdars of Canara. It means levying an acreable rate on all property without distinction as regards cultivation, etc., and it would, therefore, be a novel form of taxation under any circumstances. But I fear that it would prove confiscatory in practice, and would certainly be ascribed to that motive by the people; for they would be forced to throw up ~~vast~~ areas of unprofitable private property from inability to pay the tax.

9. I agree to the third and fourth.

10. The fifth is only fair to the proprietary of Canara, and is in accordance with the practice in Malabar. When a person applies for permission to cultivate waste land which is within the warg or property of another, he must do so with the consent of the proprietor. So the Collector should issue his putta or cowle with reservation of a fair proprietor's ground-rent in addition to the revenue demand. ~~This is the practice~~ in Malabar.

11*th July* 1874.

(Signed) W. ROBINSON.

P.S.—The perusal of my Honorable Colleagues' Minutes leads me to think that some misapprehension exists in regard to the alleged royalty of Teak and Poon in Canara and Malabar. Sandal ~~was then~~, as was the case throughout South India, subject to royalty; not so Teak and Poon, so far as an intimate acquaintance with the history of those districts enables me to judge.

2. ~~Tipu~~ did prohibit the export of ~~those woods~~ which were then sought by the British for navy purposes, and perhaps appropriated them partially for like purposes, but no royalty was established. The British did the same in the early years of the century, in order to deprive the French of the supply which they sought. But in both cases the interference was of the character of a temporary expedient *pro re nata*; and I know of no provision of common law or usage which can justify our reserving or appropriating either Teak or Poon which may be growing within ancient private estates in either Canara or Malabar.

20*th June* 1874.

(Signed) W. ROBINSON.

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

4/

- ton of the Union to be for a time
it. Can do no call followed near the
Comm "Mart" by coin a comb the Comb
And that talkers the flocs on of the
Dijuel than is trovin by fourcable.
He should care fully fourch again
the Sec Cin of the war to find
how the rub of contra..

J. Bell.

Chancery

No.

Rep. of the Medical Commissioners
under Act 6 January 1913.

Filed the 20th May 1913.

Per Sec. per Mental Defy Act 1913

G.O. 8 dated 9th January 1914.
" 37 " " 1 " 1913.
" 44 Civil " 9 " 1915

Per Sec. per the Defy Act 1913 s. 34.
" " " 43 " 1922.

Ordered by the Court
this 9th day May 1914

#283

I have the honour
to send herewith the
Report of Doctors Langford Lovell
Mc Conachie & Gunn
appointed pursuant to Section 43
of the Mental Defy Act 1913
of Canada in the matter
of the estate

The said Commissioners
respectfully ask for the order
prayed for in the G.O. of 31st January
1914, prescribing the Form

and Date of the Assessment
for which Credit is claimed
must be Land in the
Assessment and Assessment Book
of the Municipality of Essex
and the Assessment Roll
of the Municipality must show
opposite each Lot the
Number of the Concession
and Lot as the "Remarks" Column
and in the Assessment Roll
for the Assessment of the
Land of the Petitioner in the
Municipality of Essex
and the Assessment Roll
of the Municipality must show
opposite each Lot the
Number of the Concession
and Lot as the "Remarks" Column

The Claimant having
now here carried out, and
the Results of the Assessment
having been reported, the
Question for Consideration

4.

5 Copies of the questions
raised.

7. That as regards the
"Remarks" lands, or contra-
-band immediately ad-
-joining cultivated lands
and of which the timber,
grass and trees are about
"in debt" of the cultiva-tion,
the Govt in their order
of 31 March 1897 providing
the taking of any timber
thereon by the Trust or
P. M. department, pro-
-vided that there were
be no question whatever
that the abundance and
luxurious growth of the
timber in the "Remarks"

Lands

of H. J. Stokes' order
as Collector in 1823"

Two memorials
varying in the figures
of the original order, the
Inhabitants are given to
know that off the Settlement
Limits in the Island
Pracadiso off 21st Branch off
and 60 fans off the
Pracadiso Tamarlaco - the
latter being what he holds
the existing Collector, and
an Byestreet Canarese
Officer - deemed the same
Correct - but, in which Case
the order left to the
Inhabitants the free
exercise of the jungle
bordering their cultivated
Land to the distance of
100 yards, excepting trees
of

of the learned Kings
in case where the Lords
Justices differ in
Judgment and do not
decide in the Majority
The learned Kings and
Peers
Bishops
Peers
Clerks and
Barons
to the Lords Justices
they respectively Command
in Chief in Ireland and
Regents are of them, if
during Royalty he shall
die to which great
Charter Each in
the Parliament Assembly
they were then Assembled
to the Case of the Chapter
when Better the Parliament

Confirmed

confirmed - if indeed they
were originally by
the ancestors -

The Parliament
have often Time
they decided offering
of the Colleges and Ca-
acting Colleges of Canon,
on the subject, both of
considerable Experience in
the Bishops, the one
Enclosing on the Soil,
and the other Ordaining
the Dignity of Sovereignty
with the Parliament Consti-
They have also the Bishops
Power of the Parliament
then when no one
is better acquainted
with the Laws Customs
and present Regulations
of the District - Parliament

Ro

Read by the Hon. the Chairman of the Committee on 8th March 1910.

included within the incremental boundaries of Estate

14 Sir Robt Odoard Kt Receiver Gen.l &c. £400
3 - The Surveyor of Hanaper £
21 - The Clerks of the Petty Bag £
1 - The Collector of the Customs £