

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2268

Press

Mis.

463 464

Dated

27-5-1867.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
27th September 1867.*

No. 463. Read the following Proceedings of the Board of Revenue, dated 19th September 1867, No. 6,012.

Read the following letter from the Acting Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 17th July 1867, No. 127:—

1. In accordance with the thereon endorsed Orders of Government, I have the honor to submit the following report on the enclosed two marginally noted petitions,* addressed to His Excellency the Governor by certain ryots of this district.
* (1.) Government Petition No. 3,293 of 1866, (Board No. 185 of 1866.)
(2.) Government Petition No. 3,295 of 1866, (Board No. 186 of 1866.)
 2. Of these, the first mentioned petition is addressed by certain inhabitants of the Suliya Mogani, of the Uppinangadi talook of this district, and the petitioners complain chiefly of an order issued by Mr. Cadell last year, prohibiting them from carrying on any Kumari cultivation on the Kumaki lands attached to their Wurgs, because it was found that the privilege, which had been granted to them in this respect by Mr. Morris in the previous year, had been abused to the detriment of the public forests. The order complained of was, however, issued by Mr. Cadell under the following circumstances:—
 3. The Board are aware that the cultivation of Kumari was abolished in this district under the Orders of Government, dated 23rd May 1860, No. 830. On receipt of these orders, the then Collector, Mr. Fraser, issued a Circular order to all the talooks prohibiting the cultivation throughout the district, and except in the five Southern Moganies of the Cassergode talook, (where, for special reasons, the cultivation of "Wurg Kumari" is still permitted,) it was prohibited everywhere else. This prohibition was enforced in all parts of the district until 1864.
 4. In November 1864, however, the Tahsildar of Uppinangadi talook (which is situated more in the interior of this district and is nearer the ghauts) submitted a representation to the then Collector, Mr. Morris, on behalf of the ryots of his talook, stating that, in consequence of the prohibition of Kumari cultivation, the jungles had sprung up much in some localities in his talook, and the depredations of wild beasts had increased in consequence; and recommended that, in consideration of this circumstance, the ryots should be permitted to cultivate Kumari within 100 yards of their lands, that is, on the Kumaki lands attached to their Wurgs, so as to enable them to keep the wild beasts off. The Tahsildar proposed that this cultivation should be permitted free of assessment, inasmuch as it was already open to the ryots to cultivate such lands for "Ilakkal" (dry cultivation) free of tax, and the only difference between this and the Kumari cultivation was that in the latter the ground required to be burnt.
 5. Upon this report, Mr. Morris passed an order to the effect that there was no objection to Wurgdars cultivating Kumari on their Kumaki lands, if they chose to do so; but he expressly directed that persons carrying on such cultivation, should pay the prescribed scigniorage for any of the prohibited kinds of trees they would have to destroy in the operation, and further an assessment on the extent of land so cultivated with Kumari.
- the
hid

*Proceedings of the Madras Government, Revenue Department,
27th September 1867.*

6. The above order of Mr. Morris referred to the entire talook of Uppinagadi, and not to the Suliya Mogani alone.

7. In 1865, some of the ryots of the said talook having taken advantage of the above order to fell jungles indiscriminately even beyond the allowed extent of 100 yards from their lands and cultivated the same with Kumari, and the circumstance having come to the knowledge of Mr. Cadoll during the Settlement of 1866, that gentleman passed an order withdrawing the permission granted by Mr. Morris for cultivation of Kumari on Kumaki land, and directed that the ryots should be allowed to make no other use of these lands than that for which they were originally allowed; and he charged such persons as had cultivated the Kumari within 100 yards of their lands with an assessment of one rupee per acre, (the rate prevailing as regards "Wurg Kumari" in Cassergode talook,) and beyond that extent with two rupees per acre by way of penalty.

8. The reasons which induced Mr. Cadoll to pass the above order, forbidding the cultivation of Kumari, appear to be that, if the privilege was continued, it would be impossible to restrict the operations of the ryots to their Kumaki lands, while, on the other hand, the district not having been surveyed, there would be great facilities to the ryots for incorporating (whenever practicable) the Kumaki lands so cleared by them, with their estates, and thus carrying on a system of misappropriation and encroachment, which it would be eventually difficult to check or detect.

9. I consider that, under these circumstances, Mr. Cadoll was justified in withdrawing the privilege of cultivating Kumari in Kumaki lands, and that petitioners have no reasonable grounds for complaint. The object for which these lands were allowed to the ryots of this district was that they might obtain from such lands the requisite assistance for the cultivation of their paddy lands, in the shape of grass for pasturo, or thatching, leaves for manure, the brush for firewood, and the inferior timber for house-building, or for agricultural implements, &c.; when, therefore, the land is used for any other than these purposes, it of course ceases to be the Kumaki land of the ryot, and as such is liable to assessment if brought under cultivation. Moreover, it seems desirable both in the interests of Government and the ryot that these Kumaki lands should not be diverted from their original and legitimate use, inasmuch as by allowing these lands to be cleared of brushwood, &c., we naturally throw on the Government forests the burden of supplying these requirements of the ryot.

10. The other petition, herewith returned, is from certain inhabitants of the Mangalore talook, praying, among other things, for a modification of the Forest Rules in force in this district. These rules, the Board are aware, were framed with special reference to the circumstances of this district, and were fully approved of by Government in their Proceedings of 20th May 1865, No. 1,065. They are sufficiently liberal in their provisions as regards the Kumaki rights of the ryots of this district, which are scrupulously respected.

11. The additional assessment of which the petitioners complain, is the District Road Cess levied under Madras Act No. III. of 1866.

ENCLOSURES Nos. 1 and 2.—Petitions.

*Proceedings of the Madras Government, Revenue Department,
27th September 1867.*

1. Submitted for the information of Government, with reference to their endorsement on Petitions Nos. 3,293 and 3,295 of 1866.
2. The Board see no reason for disturbing the Collector's orders.

No. 464.

ORDER THEREON, 27th September 1867, No. 2,268.

Forests, No. 14

Ordered that the following endorsement be passed on Petitions Nos. 3,293 and 3,295 of 1866:—

"The Government learn by a report from the Acting Collector that no restrictions whatever have been placed on the use of Kumaki land for the purposes for which it was originally granted.

"The Forest Rules were very carefully drawn, so as to maintain intact this customary privilege, but petitioners must be well aware that the untaxed cultivation of Kumaki land is not one of the privileges which the custom conveys, although Hukkul cultivation is not interfered with.

"The Road Cess of which petitioners complain is entirely expended on the roads of the district in which it is levied, and is calculated to promote the convenience and prosperity, and to add value to the land and crops of the inhabitants.

"It is levied in all districts alike, and the Government see no reason to injure petitioners and others like them, by complying with their request for its discontinuance."

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

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

Exd. S. T. Augustin.

Petitions

No. 3293 of 1866.

8th November 68

11th Decr

From Swaraya H. Tolu.

Founda & others, the Dyots of Chelga
- made a Magani, Kppanangubi Talug
South Canara.

Complain that the present
Collector contrary to the provisions
predecessor presents them from
cutting trees in the jungles situated
within a distance of 100 yards from
their lands and cultivation of
a compensation additional to the
of one Rupee per Acre of such land
of 1000 for and 1000 for permitting them
to enjoy the said jungles in pro-
portion to the extent of land culti-
- vated by each individual and
will be found on a reference being
made to the old Official Records
now formerly the Cases.

No. 3295 of 1866.

8th November 68

11th Decr

From O. Ramachandiah, O.

Kera. Paghaviah & others, the Dyots
of Chelga and Talug in South
Canara.

State that on the introduction
- tion of Forest Rules into their District
they

3293 & 3295 of 1866.

The Govt learn by a report
from the Dyots that no restriction
- tions whatever have been placed on
the use of Chelga land for the
purpose for which it was originally
planted.

The Forest Rules were very
carefully drawn, so as to maintain and
- intact the customary privileges,
but Petitioners must be well aware
that the enlarged cultivation of Chelga
- land is not one of the privileges
which the Custom conveys, although
that Cultivation is not interfered
with.

The Road Cess of which Petitioners
Complain is entirely expended on the
roads of the District in which it is levied,
and is calculated to promote the Con-
- venience & prosperity, and to add value
to the land and crops of the inhabi-
- tants.

It is levied in all Districts
alike, and the Govt see no reason
to inquire petitioners and others like,

them, by complying with their request
for its discontinuance.

they

the

they have been prevented from
making use of the jungles situated
within a distance of 1000 Yards from
their lands under cultivation, that
the Appointments on their lands have
been increased by 25% per Cent,
and that their houses have also
been assessed with taxes under
the Town Improvement Act.

Representing the inconvenience
to which they are subjected
by the said proceedings pray that
the Taxes to be levied may be modified
as to limit their Dist. & the new
rate of Appointments be abolished
& the introduction of the Town
Improvement Act be postponed
for the reasons stated within.

With the Proceedings of the
Madras Port Revenue Department
of 27 September 1868 No 2268.

North Saint George
5th October 1869 - 5

Q.P. 5

W-2268.

Pro. of the Madras Govt.

Under date the 27th Sept. /67.

Read the following

Pro. of the B^d of R^l

Submitting for information letter from Ch. Collr of Cauvara reporting on two forest petitions Nos 3,293 & 3295 of 1866, against the order of the Collr prohibiting Kummari cultivation &c.

(G.O. 19th Sept /67 No 6012)

Ordered that the following endorsement be passed on Petitions Nos 3293 & 3295 of 1866.

"The Govt learn by a report from the Ch. Collr that no restrictions whatever have been placed on the use of Kummari land for the purposes for which it was originally granted.

"The Forest rules were very carefully drawn so as to maintain intact this customary privilege."

WV

27 5 October 1867

but Petitioners must be well aware that the untaxed cultivation of Kuma Mi land is not one of the privileges which the custom conveys - altho' Kukul cultivation is not interfered with. -

"The Road tax of which Petitioners complain is entirely, expended on the roads of the Dist in which it is levied - and is calculated to promote the convenience and prosperity - and to add value to the land & crops of the inhabitants. -

"It is levied in all Districts alike - and the Govt. see no reason to injure Petitioners and others like them, by complying with their request for its discontinuance." -

L.R.

P. H. Ball

1 Copy to Affairs of the Province
14 Chas. J. H. P. P. P.
13 — — — — —

20th 31 11 11

Revenue 1864 & 1/2
Pro of Court for 12/1/18

No 2268

Pro of the Chancery Court
12/27 September 1864

17263-464