M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	384	Press ~~Mis.~~
35-36		
Dated	15—3—	1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, for the month of March 1860.

No. 35. Read the following Proceedings of the Board of Revenue, dated 20th February 1860, No. 901.

Read letter from the Collector of Trichinopoly, dated 16th January 1860, No. 6.

(In Consultation, 19th January 1860, No. 255.)

In Consultation, 12th July 1859, *No.* 3401.

In his letter of the 8th July last, the Collector of Trichinopoly requested instructions from the Board as to whether he should remind the Agent of the East India Iron and Steel Company that their lease of the privilege of cutting fuel in certain táluqs of that district would expire on the 31st December 1859, if not renewed by the Company before that date.

2. The Board desired Mr. Bird to apprise the Agent of this fact, in order that the Company might decide in due time.

Enc. in from Trichinopoly, 16th in Consultation, 19th January 1860, *No.* 255.

3. Mr. Bird now forwards a letter from the Agent of the Company, dated 10th January 1860, declining to renew the lease, on the understanding that Government are not prepared to grant "exclusive leases" for any of the jungles hitherto rented by them.

4. The Board observe that the old lease, after full notice, has been allowed to expire, and any conditional refusal, on the part of the Company, is quite inadmissible. It was open to the Company, in the terms of the old lease, to renew it, or not, on the conditions therein stated, and the lapse is now complete, without reference to any "understanding" on their part. Moreover, it was only the *former* privileges of the Company which they had the option of renewing; the grant of "exclusive leases" is altogether another affair, and the right of renewing the old lease cannot be kept open by an application for other or more extended privileges.

5. The Board, for these reasons, consider the lease to have finally lapsed. They concur with the Collector, that a body like the East India Iron Company cannot be considered entitled to the prescriptive privileges of ráiyats or villages in regard to fuel. Moreover, this privilege, strictly speaking, extends only to fuel for domestic purposes, cut within their village limits, Government claiming the right of taxation in other cases. The charge of jungles, &c., however, now appertains to the Conservator of Forests, and the Board will forward the Collector's letter to him in order that he may issue such instructions as may be necessary.

6. Ordered that a copy of these Proceedings be laid before Government, with reference to the correspondence noted in the margin.

No. 3401, *From Trichinopoly, 8th in Con. 12th July* 1859.
,, 3363, *Proceedings, 26th August* 1859.
,, 255, *From Trichinopoly, 16th in Con. 19th Jan.* 1860.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 36. ORDER THEREON, 15th March 1860, No. 384.

The Government concur in the views expressed by the Board of Revenue in paragraphs 4 and 5 of these Proceedings, and resolve to request the Conservator of Forests to report what his action has been on the claim of the East India Iron Company to the right of supplying themselves gratuitously with fuel from the Government jungles in question, in common with the village woodcutters.

2. Dr. Cleghorn's early attention is requested to this reference.

(Signed) J. D. BOURDILLON,
Secretary to Government.

No. 3363.

PROCEEDINGS of the BOARD of REVENUE, dated 26th August 1859.

Read letter from the Collector of Trichinopoly, dated 8th July 1859, No. 137, soliciting instructions whether the East Indian Iron and Steel Company should be required to state their intention of renewing the lease for the privilege of cutting fuel in the talooks of Woodiarpolliem, Arrealore and Volcondapooram on the expiry of the lease, viz., 30th December 1858.

(In Con. 12th July 1859, No. 3401.)

The Board consider that it would be only courteous to draw the attention of the Company's Agent to the approaching termination of the lease, and the necessity under its conditions of notice of renewal being given by the Company to the Chief Secretary to Government within the 1st January next.

(A true Extract.)

(Signed) W. HUDLESTON,
Sub Secretary.

To J. BIRD, Esq., Collector of Trichinopoly.

In Con. 12th July 1859, No. 3401.

From J. BIRD, Esq., Collector of TRICHINOPOLY,

dated Trichinopoly, 8th July 1859, No. 137.

Revenue
chinopoly,
1842.
July 1842.

Adverting to the letters noted marginally, I have the honor to bring to the notice of the Board, the expiry at the close of this year of the lease granting the privilege of cutting fuel in the talooks of Wodiarpolliem, Arrealore and Volcondapooram to the East Indian Iron and Steel Company.

ses 3 4 and 6 of the lease, the grant is renewable for twenty-one years more, at any
t of the current twenty-one years by the Company, upon the payment of fine of two
while the future rent is to be of two thousand Rupees per annum during the whole
wed lease.

instructions whether the Indian Iron and Steel Company should be called on to state
renewal or otherwise.

———

In Con. 19th January 1860, No. 255.

From J. BIRD, Esq., Collector of TRICHINOPOLY,

dated Trichinopoly, 16th January 1860, No. 6.

To the Board, No. 137, dated 8th July 1859. Proceedings of the Board of Revenue, No. 3363, dated 26th August 1859.
* To be obligingly returned.

Adverting to the correspondence entered in the margin, I have the honor to transmit, for the consideration of your Board, an original letter* from Mr. Maylor, the manager for the East India Iron and Steel Company.

2. The Board will observe the Company are not prepared to renew the lease which has now expired; but on the contrary intend to exercise the right in common with the inhabitants of the country, and other industrial parties, of cutting what fuel they may require.

3. It is very true the people on the spot cut fuel in the jungles of Woodiarpolliem and Arrealur for domestic use, for sale in the neighbouring large towns of the Tanjore province, and for the clearing of land; but I am not aware that *that* custom can accord a similar right to a Company like the India Iron and Steel Company. This brushwood forest is Government property and should be protected.

4. I submit the matter for your Board's orders.

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Enc. 1.

From Mr. W. MAYLOR, General Manager.

To J. BIRD, Esq., Collector of Trichinopoly,

dated Malabar, 10th January 1860.

Your letter of 2nd September last addressed to Mr. James Beaumont, with reference to a renewal of the lease, granting to the East India Iron Company the privilege of cutting fuel in the talooks of Woodiarpolliem, Arrealore and Volicondaporam in the district of Trichinopoly having been submitted to the Board of Directors, I have the honor to inform you, that taking into consideration the heavy fine of Rupees 2,000, which would have to be paid upon a renewal of the lease, coupled with the fact that such lease must embrace a period of not less than twenty-one years, during the whole of which time the increased rent of Rupees 2,000 per annum would have to be paid, the Board are of opinion that the advantages to be derived therefrom are not sufficient to justify their entering into so onerous an engagement.

2. The privilege of cutting fuel under the lease is not limited to this Company, who only enjoy under it, in fact the common right accorded to other industrial enterprizes and the public, of cutting fuel in the jungle, of which the expiry of their lease, it is presumed, will not deprive the Company.

3. With this right they are prepared to content themselves, understanding that the Government decline to grant exclusive leases, or to lease to them absolutely and free from right of entry by other parties, any portion of the forests or jungles comprised in their old lease.

4. With this understanding, I am desired to decline the renewal of the lease on the terms mentioned in your letter referred to.

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Exd, J. Tulloch.

1860. Dispatch

No. 1

To Enclosure in Proceedings
of the Board of Revenue to
the Chief Secretary to Govt.
= dated 20th February 1860.

No. 901.

Letter from the Collector of
Trichinopoly to the Board
of Revenue dated 16th January
1860, No. 6. regarding the
Cause of cutting fuel.

No. 901.

PROCEEDINGS of the BOARD of REVENUE dated 20th February 1860.

Read letter from the Collector of Trichinopoly, dated 16th January 1860, No. 6.

(In Con. 19th January 1860, No. 255.)

In Con. 12th July 1859, No. 3401. In his letter of the 8th July last, the Collector of Trichinopoly requested instructions from the Board, as to whether he should remind the Agent of the East India Iron and Steel Company, that their lease of the privilege of cutting fuel in certain tâluqs of that district, would expire on the 31st December 1859, if not renewed by the Company before that date.

2. The Board desired Mr. Bird to apprise the Agent of this fact, in order that the Company might decide in due time.

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4. The Board observe that the old lease, after full notice, has been allowed to expire, and any conditional refusal, on the part of the Company, is quite inadmissible. It was open to the Company, in the terms of the old lease, to renew it or not on the conditions therein stated, and the lapse is now complete, without reference to any "understanding" on their part. Moreover, it was only the *former* privileges of the Company which they had the option of renewing: the grant of "exclusive leases" is altogether another affair, and the right of renewing the old lease cannot be kept open by an application for other or more extended privileges.

5. The Board, for these reasons, consider the lease to have finally lapsed. They concur with the Collector, that a body like the East India Iron Company cannot be considered entitled to the prescriptive privileges of Ryots or villages in regard to fuel. Moreover, this privilege, strictly speaking, extends only to fuel for domestic purposes, cut within their village limits, Government claiming the right of taxation in other cases. The charge of jungles, &c., however, now appertains to the Conservator of Forests, and the Board will forward the Collector's letter to him in order that he may issue such instructions as may be necessary.

No. 3401, From Trichinopoly, 8th in Con. 12th July 1859.
" 3363, Proceedings, 26th August 1859.
" 255, From Trichinopoly, 16th in Con. 19th Jan. 1860.

6. Ordered that a copy of these Proceedings be laid before Government, with reference to the correspondence noted in the margin.

(A true Extract.)

Secretary.

To T. PYCROFT, Esq., Chief Secretary to Government.
Copy to Collector of Trichinopoly.
" to Conservator of Forests.

Exd. J. Wright.

R. 18th April 1860 No. 34

602-70

From Conservator of Forests 14th May to Ct. No. 1045.

Copy in a Letter to Co. of 25th June 1860 No. 6

5-1-17

No. 35 & 36.

2 March R12

Revenue 1860 Depart.
Pro. of Govt 29th March
No. 401.

Proceedings of the Board of Revenue

Dated 20th
Desp. 23 } February 1860
Rec. 24th
E-3-

No. 901.

Pro. of the B. of R. dt. 23d March 1860. C.L. 643.
in Pro. 23d April No. 614

Submitting copy of the Board's Proceedings passed on a letter from the Collector of Tuticorin forwarding a communication from the Agent of the East India Iron and Steel Company declining to renew their lease of the privilege of cutting fuel in certain tals of his District.

Mad. Pro. 8 May 1860 No. 31

With an Order
No. 384. 15th March

No. 384.

The Government concur in the views expressed by the Board of Revenue in paras 4 and 5 of their proceedings and resolve to request the Conservator of Forests to report what his action has been on the claims of the East India Iron Company to the right of supplying themselves gratuitously with fuel from the Government jungles in question in common with the Village woodcutters.

2. Dr. Cleghorn's early attention is requested to this reference.

Fort St. George
15 March 1860.

1 Copies - Board of Revenue
2 " Conservator of Forests