

MADRAS RECORD OFFICE.**Government of Madras.***Revenue* **DEPARTMENT.**

G.O. No. 2131

Press
Mis.

21.23

Dated

3 - 10 - 1862

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department
3rd October 1862.

Read again letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, dated 22nd July 1862, No. 120, and recorded in Proceedings 1st August 1862, No. 1,640.

Read also the following letters :—

No. 21. Read the following letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Camp Ootacamund, 18th August 1862, No. 155.

SIR,

1. I have the honor to acknowledge the receipt of the Government Order No. 1,696 of the 9th of August 1862; with regard to paragraph 1, I will await the answer of Government to my letter No. 120* of the 22nd July 1862, before I make the alteration therein requested.

* In answer to G. O. of 16th July 1862, No. 1,538, paragraph 7.

2. It is not only the difficulty that our Department, with only small establishments, will experience in collecting the seigniorage upon head-loads or bullock-loads of timber, that would greatly militate against conservancy; but it is the impossibility of issuing licenses to fell for such small quantities; felling therefore could go on all over the forests without licenses and vouchers, and conservancy will be very difficult.

3. Parties requiring small quantities of timber can always purchase from those who can afford to take out a license for five bandy-loads; and the smallest village could afford to take out a license for this small amount.

No. 22. From W. HUDLESTON, Esq., Secretary to the Board of Revenue, to the Honorable T. PYCROFT, Chief Secretary to Government, dated Madras, 20th August 1862, No. 5,474.

SIR,

1. With reference to Government Order 1st August 1862, No. 1,640, Revenue Department, I am directed by the Board of Revenue to submit their opinion on Captain Beddome's proposition to charge Ryots for timber cut for domestic purposes in their village jungles.

2. The Rules to which Captain Beddome refers, of which copy is herewith submitted for facility of reference, were originally drawn out by the late Collector of Coimbatore in communication with Dr. Cleghorn and with his approval, and were circulated by the Board for general adoption, with such modification as local peculiarities might render necessary. They have for their object to guard the royalties of Government, and the communal rights of the villagers, to check the destruction of the village jungles by indiscriminate felling, and to provide a small fund for purposes of conservancy and planting. They did not contemplate the creation of revenue, and were intended to be enforced only in those parts of the Presidency to which the operations of the Forest Department had not been extended; and as they could be maintained only through the willing agency of the heads of the village, the interest of these Officers was enlisted by allowing them a per centage on the fees collected.

3. The Board consider that these Rules, if enforced, are sufficient for the object in view, and they would in the strongest manner deprecate any such denial of the villagers' rights as Captain Beddome would recommend. The Board view these rights as founded on as good a basis as those of the Government, and would guard them jealously; while they would equally carefully prevent their abuse, and that violation of the rights of Government, and injury to the interests of the community, which reckless felling of timber inflicts; but they do not consider that the course proposed by Captain Beddome is necessary for this purpose, while it would be most unpopular, and unjust.

4. Although, as above stated, the Rules are not intended to be enforced in those parts of the country where the Forest Department carries on its operations, the Board consider that the Ryots' privileges should every where be allowed, though any abuse of them should be promptly punished.

*Proceedings of the Madras Government, Revenue Department,
3rd October 1862.*

No. 23. ORDER THEREON, 3rd October 1862, No. 2,131.

1. In sanctioning the Rules proposed by Captain Beddome for the conservation of the Nallamalai and Salem forests the Government observed that while the rate of seigniorage upon each bandy-load of timber had been fixed, no provision had been made for cooly or bullock-loads, and they desired Captain Beddome to supply this omission by a supplementary Regulation.

G. O. No. 1,538 of 16th July 1862.
G. O. No. 1,696 of 9th August 1862.

2. It appears however that the omission was intentional, and Captain Beddome represents that, whereas formerly no one could take out a license for less than twenty-five cart-loads, this number has now been reduced to five, and that conservancy will be extremely difficult, if licenses for any smaller quantity are permitted.

3. In connection with the same subject Captain Beddome draws attention to the Rules recently promulgated by the Board of Revenue for the preservation of jungles. One of the objects of these Rules appears to have been to define the communal rights of the villagers, and it is there provided that *bonâ fide* Ryots may cut timber for their own use without taxation. Captain Beddome strongly protests against this indulgence, urging that, if it be allowed, "parties felling without a license can at any time state that they are felling for the Ryots, and the wood merchants will complain against having to pay a seigniorage, if others can cut without it, and thereby under-sell them." The Board as strongly deprecate any such denial of the villager's rights as Captain Beddome would recommend, and they consider that the course proposed by him "would be most unpopular and unjust."

4. The indulgence which the Board claims for the Ryots is that they should be allowed to cut without taxation fuel and firewood for domestic purposes (Rule 3), and timber required for the erection of their dwelling houses (6) or for agricultural implements (7), but there are certain restrictions on the exercise of their common rights which Captain Beddome appears to have overlooked. As many as 27 trees have been specially reserved by name either for the value of their wood or of their products (9), and none of these trees, nor any timber exceeding 3 feet in circumference can be felled without previous permission (2). In all their cuttings the Ryots are to leave 29 standard trees per acre (6), and saplings of every kind are to be preserved unhurt (8). A fee is levied on firewood when cut for sale (10) and any breach of these Rules renders the offender liable to a criminal prosecution.

5. The Government are not disposed, for the sake of the trifling revenue which such a course might produce, to curtail the common rights of the people, which are established by prescriptive usage and highly valued by them. Among these prescriptive rights the privilege of cutting firewood for their own use, and timber for agricultural implements, free of tax, may fairly be included, but the right of felling timber for building purposes without taxation appears to have a very dubious foundation. The Board's Rules in this respect are not very clear. They permit wood to be taken by Ryots untaxed for the erection of their dwellings and for agricultural implements, but the tree most required for houses, as well as for pacottas, which would fall under the latter category, is the palmirah which the Ryots cannot fell without license and payment (11). It appears to Government that no fee should ever be levied on wood required for agricultural implements, but they are not disposed to concede to the Ryots any special indulgence in regard to their dwelling houses.

6. Further it must be clearly understood, and should be distinctly laid down in the Board's Rules, that the right to cut wood free of tax, for whatever purpose, is confined to the felling of wood by the Ryots within the limits of their respective villages, and that if in any cases they are permitted to cut wood beyond their own village boundaries, it will not be as a matter of prescriptive right, but as an indulgence, which will at any time be summarily withdrawn, in any instance in which it may prove to have been abused. If Ryots be allowed to overstep their own village boundaries, and to cut wood wherever they choose, all attempts at conservancy must be futile.

7. With these modifications the Board's Rules have the approval of the Government.

*Proceedings of the Madras Government, Revenue Department,
3rd October 1862.*

8. With regard to persons other than Ryots unable to purchase timber in such quantities as five cart-loads at a time, the Government would suggest that tickets, in lieu of licenses, should be sold by the village and forest Officers, and the proceeds periodically brought to account.

9. The Board's Rules "were intended to be enforced only in those parts of the Presidency to which the operations of the Forest Department had not been extended," but it is obvious that such communal rights of the villagers as are recognized there, should be allowed to them elsewhere. Captain Beddome will now therefore prepare and submit a few supplementary Rules, defining the rights of the villagers and specifying the restrictions under which they may be exercised.

(Signed) T. PYCROFT,
Chief Secretary.

CIRCULAR.

No. 5,497.

From W. HUDLESTON, Esq., Acting Secretary to the Board of Revenue.
To ALL COLLECTORS.

SIR,

I am directed by the Board of Revenue to transmit for your information and guidance the following Rules for the preservation of jungles based on those drawn up by the Collector of Coimbatore, and approved by the Conservator of Forests, for adoption in that District. Slight modifications in detail may be found necessary in some Districts, but the radical principle is of general applicability, and the Board trust it will be generally introduced.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) W. HUDLESTON,
Acting Secretary.

REVENUE BOARD OFFICE,
Fort St. George,
27th November 1860.

(True Copy.)

(Signed) W. GRANT,
Acting 1st Assistant.

RULES FOR THE PRESERVATION OF JUNGLES.

1. With a view to prevent the unrestricted cutting of wood, and the destruction of jungles thereby, the following rules are laid down, which are to be strictly attended to by all parties concerned.

2. No timber exceeding 3 feet in circumference nor any of the trees noted in paragraph 9 are henceforth to be felled in any of the jungles, the property of Government, except with the permission of the public Officers deputed for such purposes, and in such localities and on such conditions as they may determine.

3. The villagers may cut fuel and firewood for domestic purposes in low jungles and brushwood without taxation as they have done hitherto, but *not for sale*.

4. Charcoal burners may only cut in such places as may be assigned to them, and are not to cut the trees noted in paragraph 9. A seignorage of one *Anna* to be charged per basket (piled *pārd*).

5. The land to be assigned for cutting fuel, &c., shall, in all practicable cases, be selected near the inhabited villages, so that the clearings may prove an advantage to the residents.

6. The people may likewise cut wood required for the erection of their dwelling houses, but this privilege is restricted to *bonā fide* Ryots; the wood so felled must not be more than three feet in circumference at two feet from the ground, nor such as is likely to become fine timber eventually: in all these cuttings, it is necessary to preserve 29 standard trees per acre.

7. Wood required for agricultural implements shall be allowed to be taken untaxed by all Ryots, and in the same manner bamboos also may be cut for the actual and *bonā fide* erection of their houses, *not for sale*.

8. No fruit tree shall be cut down or injured; in like manner all trees likely to become timber, as well as saplings of every kind, should be preserved unhurt.

9. The names of the trees or shrubs which are to be reserved for the value of the wood or of their products, are mentioned below.

1. Trees which are to be reserved for the value of the wood.			
Sandal	1	Palmirah.....	7
Red Saunders.....	2	Soorool Chukkay.....	8
Ebony.....	3	Jack tree.....	9
Satin wood.....	4	Achamarum.....	10
Teak.....	5	Maruda tree.....	11
Black wood.....	6	Common Ferminalia.....	12
2. Trees or shrubs which are to be reserved for the value of their products.			
Custard apple.....	1	Eloopay	5
Guava	2	Cashewnut	6
Soapnut.....	3	Tatancollay	7
Capilung.....	4		
		Seecoyamarum.....	8
		Punnay tree.....	9
		Tamarind tree.....	10
		Glabrous Ferminalia..	13
		Cuddum tree.....	14
		Babool tree.....	15
		Siriss.....	16
		Catechu.....	17

10. On fuel, firewood, and bamboos, cut *for sale*, a fee of 5 Annas for every cart load, 1 Anna for every bullock load, or 3 Pice per man's load will be levied; and the amount so accumulated will form a fund to be laid out in new plantations, or in the preservation and improvement of the existing ones.

11. Palmirahs are likewise to be preserved, and not to be cut without previous permission. When permission is given, a fee of 12 Annas is to be paid for every tree to be removed, and the village Officers are to take care that ten kernels are invariably sown for every tree felled.

12. The village Officers are authorised to collect the fee at the rates above set forth, and will remit the collections to the Taluk Treasury like other collections of revenue, with a note of the amount, distinguishing it from other public monies remitted with it: any extra collection, misappropriation of the funds, &c., will render them liable to the penalties provided in Regulation IX of 1822.

13. Cases of evasion of the payment of fee on the part of the people, and of the unauthorised cutting of wood, will be dealt with by the Magistrates according to the existing Regulations for the punishment of Fraud and Trespass.

14. The preservation of the jungles, topes, and fruit and timber trees from destruction, devolves primarily upon the village Officers and community, who will be held responsible for any breach of these rules. Where the forests are extensive, and cannot be conveniently and efficiently overlooked by them, application must be made to the Collector.

15. The village Officers in plain open Taluks will communicate to the Tahsildar the most eligible localities for plantations of Palmirah and other trees, who will report the same forthwith to the Collector for orders. Funds will be placed at the disposal of the village Officers for this purpose, who will be responsible to account for the same.

16. It would be advantageous to plant trees round the boundaries of village cultivation, and on tank and channel banks, as well as in places used for the shelter of cattle. The Soapnut, Tamarind, and Palmirah trees are by far the most valuable, and can be grown with profit.

17. The banks of rivers and jungle streams can likewise be planted and watered without difficulty, but care should be taken not to encroach upon the bed of the stream, and thereby diminish the breadth of the waterway.

18. The plantations to be formed should be hedged, and no cattle allowed to graze therein. When the grass grows high enough, people may be allowed to cut the same without injury to the plants on payment of 3 Pice per man's load. The hedge itself when too high may be cut to a moderate height, and the cuttings disposed of by public auction to the highest bidder in the presence of the Tahsildar, or some other responsible public functionary, the amount derived from these sales to merge in the fund referred to in paragraph 10.

19. All fruits and drugs produced in such plantations will be considered common property, and allowed to be enjoyed by the village community free of taxation; but palmirah leaves cut on Government plantations used for thatching, will have to be paid for at the rate of 1 Rupee per every 1,000, provided no tax is paid upon the tree by any individual.

20. A yearly report regarding the formation of plantations and their condition should be submitted by the Tahsildar, for the information and orders of the Collector.

21. As the plantations to be formed are intended chiefly for the convenience and comfort of the village communities, and to guard against an eventual scarcity of wood which would be a real hardship to them, it is hoped that they will cordially lend their aid in forwarding this object, which is one of vital importance.

(Signed) W. HUDLESTON,
Acting Secretary.

(True Copy.)

(Signed) W. GRANT,
Acting 1st Assistant.

Exd. J. Wright.

My dear Sir
 You are probably
 concerned with the
 subject of the
 Commission from the
 Government upon the
 subject of the
 I do not see any
 way out of the
 matter myself,

Enclosure in a letter
 from Secretary to the Board
 of Revenue to the Chief
 Secretary to Govt dated
 20 August 1862 No 5494

Recd=2107/62

21.8.1862

21.8.1862

Circular dated 23
 November 1860 No 5497

and I would not
wish to say any thing
which now which
might be bearing
you hereafter. It is
impossible to doubtless
to doing nothing but
convincedly
and the best
know is not easy to
prevent them against
abuse.

Please them for

6
I must thus think of
Hutchins & Mess
to your satisfaction.
I do not send it for
submission to H B
but that it may be
a receipt of your
vision.

I may perhaps
send you a few
more papers
during your ab-
sence to be

death with us the
In our presence

Yours sincerely
J. H. Pigeon

1 Sept/62 5:00

1912

1930-1931

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1950

— 2 —

My dear P. G. Wright:

I have looked
over the rule. & with
the Bk would strongly
deprecate any policy
in crown which on the
few principles we have
left the Bk to. The real
issue at stake is a
mere nothing - for give
our officials a fresh
hold on the people &
you have the people
all against you.

Bed dome seems
to be above
looked the restrictions
in paras 2 - 6. P. 9. &
11 of the rules - Every
thing not the reserving
is there reserved - &
what more is needed.

Abuses nil of course

means than protection.
 I would therefore re-
 cognize the right of
 ryots to fire wood. &
 within those limits sub-
 ject to the restrictions
 imposed by the rules
 of the Bd. Timber for
 house building might
 be struck out - as it
 being so broad as
 Hutchins points out
 but with 2 1/2 trees
 specially reserved
 by name - & every
 tree above 3 ft in cir-
 cumference reserved
 also he are pretty
 safe. However as the
 Forest Dept. may say
 that under cover of
 this the felling of timber
 can be surreptitiously
 carried I don't object
 to it. but fire wood,
 to be saved.

5/9.
 J. H. M.
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Revenue Department
 No.

Proceedings of the Madras Government

Under date the

Read again letter from Captain
 R. N. Beddome Off. Conserva-
 tor of Forests dated 22nd July
 1862 No. 120 and recorded in Pro-
 ceedings 1st August 1862 No. 1640.
 Read also the following letter

From the Off. Conservator of Forests

(Offering explanation with regard
 to the alteration of certain rules of the
 Conservancy of Salem District on the sub-
 ject of granting Licenses for small quan-
 tities of wood.)

(Here enter 18th August 1862 No. 155)

From the Secretary to the Board of Revenue

Submitting the Board's opinion on
 Captain Beddome's proposition to change
 Ryots for timber cut for domestic purposes
 in the village jungles.

(Here enter 20th August 1862 No. 5474)

In sanctioning the rules
 proposed by Captain Beddome
 for the conservation of the Mal-
 malai and Salem Forests the
 Government observed that
 while

G. O. No. 1538 of 16th July 1862
 G. O. No. 1696 of 9th August 1862

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Captain Beddome re-
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3 In connection with the
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"against having to pay a
"seigniorage, if others can cut
"without it, and thereby under-
"sell them". The Board is
strongly deprecate any such
denial of the villagers' rights

A bad subject for
discussion -

as Captain Beddome would recommend, and they consider that the course proposed by him "would be most unpopular and unjust."

It appears to the Governor in Council that the points upon which the Board and Captain Beddome are at issue present no difficulty, and that their views, tho' in apparent opposition, may be easily reconciled. The indulgence which the Board claim for the Ryots is that they may cut without taxation fuel and firewood for domestic purposes (Rule 3), and timber required for the erection of their dwelling houses (Rule 6) or for agricultural implements (Rule 7). The points urged by Captain Beddome

I should have thought that I should have thought it will be impossible to issue licenses or they will be so numerous as to be practically no value - and even if we charge for the licenses it will be too late to do so before the season is over.

It will not be worth the money - to reduce the heavy expenditure of this sort!

in order to provide for emergency feasible, and that wood should not be allowed to be felled by any one without a regular license, and that no license should be granted for less than five bundy loads. This exists ^{in much} risk upon the heavy expenditure, but upon the issue of a license, and it is understood that even under the Board's rules the Ryots cannot cut wood without a written permission.

5. The Board's rules "were intended to be enforced only in those parts of the Presidency to which the operation of the Forest Department had not been extended," but it is obvious that such

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 1897

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 5. City of the

In the case of
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 colonies the rights of the people
 are established by
 her constitution and
 are highly valued
 by them - for the
 reason which has
 a course right path.

The rule is ^{ground} ~~producible~~
— no less than 27 times
in fact every time
of value — which is
the essence of the
common right. The
right cannot fall into
dispute & payment, and
preclude a right from
a thing even if it is
lost. The right of

[illegible]

7. Captain Beddoe
will now prepare and
submit a few supple-
mentary rules defining
the rights of the vil-
lagers and specifying the
restrictions under which
they may be exercised.
The trees to be felled
should be pointed out
and marked by the
Forest servants, but the
licenses should be issued
by the Collector and his
Assistants, and should
specify the number
of bundy loads, the name
of the timber and the
purpose for which it is
required. ~~Copy Right~~
P.M. ~~attending~~

every village however
 that requires forty ploughs
 above time, and it would
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 venience if aximally num-
 ber could not be procured.
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 might be granted to Ryots
 as an exceptional case,
 for not less than a sin-
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 cut free of tax and to be
 removed in a bandy-
 The limitation of other
 licenses to not less than
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 P.M. attending

a license to cut wood
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~~and who may afterwards sell~~
~~it or dispose of it for a different~~
~~purpose would render it liable~~
~~to confiscation. The Collector~~
~~might also at his discretion~~
~~refuse to grant him any~~
~~license in future.~~

Rules for the Con-
-servations Kallamalai
and Salim forests.

Revenue Department

W-2131

Proceedings of the Madras Government,
under date the 3rd ^{October} September 1862

Read again letter
from Captain P. H. Reddome
officiating conservator of
Forests dated 22nd July 1862
No 120 and recorded in Pro.
1st August 1862 No 1640.

Read also the follow-
-ing letters.

From the offg. conservator
of Forests.

offering explanation with
regard to the allocation of
certain culs of the conserva-
-ry of Salim District on the
subject of granting Licenses
for small quantities of wood.

(Here enters 18th Augt/62
No 155)

From the Secy to the Board
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Submitting the Board's
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(Here enters 20th Augt/62
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W M
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is to be holed on firewood ^{when} cut
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of these rules renders the
offender liable to a crimi-
nal prosecution.
The Ryots are not
disposed for the sake of
the trifling Pradams which
such

such a course might pro-
-duce, to curtail the com-
-mon rights of the people.
Such are established by prescription
usage and highly valued
by them. Among these pre-
-scriptive rights the pri-
-vilege of cutting firewood
for their own use, and tim-
-ber for agricultural im-
-plements, free of tax, may
fairly be included, but the
right of felling timber for
building purposes without
taxation appears to have a
very dubious foundation.
The Board of Ryots, in their report
are not very clear. They per-
-mit wood to be taken by
Ryots untaxed for the erection
of their dwellings and for
agricultural implements, but
the tree most required for
houses, as well as for firewood,
which would fall under the
latter category, is the palmi-
-cok, which the Ryots cannot
fell without license and
payment (11). It appears to
be ^{lost} that no fee should
ever be holed on wood re-
-quired for agricultural
implements.

6. Further it must be
 implements but they are - clearly understood &
 not disposed to concede should distinctly laid
 to the Ryots any special down in the Board's rules
 indulgence in regard to that right to cut wood
 their dwelling houses - but of any for which
 at 7 - With these ^{case} modifications - ^{is} ⁱⁿ ^{the} ^{con.}
 the Board's rules - ^{is} ⁱⁿ ^{the} ^{con.} ^{is} ⁱⁿ ^{the} ^{con.}
 have the approval of the ^{is} ⁱⁿ ^{the} ^{con.}
 Govt. Under the reservations the village of their
 already noticed the rights of respective villages,
 Govt. are fully secured and and that if in any
 abuse of privilege by the Ryots in any way
 must be checked by others - without to cut wood
 means than prohibition - beyond their own village
 at 8 - With regard to persons bound in it will
 other than Ryots unable to purchase timber in such
 quantities as cart-loads but as an indulgence
 at a time, the Govt. would suggest that tickets -
 in lieu of houses - should be sold by the village, and
 sold by the village, and that it may prove to be
 officers, and the proceeds ^{periodically} brought to account to the
 at 9 - The Board's rules are intended to be enforced only
 in those parts of the Presi- dency to which the operations
 of the Forest Department had not been extended, but
 it is obvious that such communal rights of the
 villagers

perfectly correct in his opinion, it were common
 to the that any party else

was not intended that that

now mentioned by Mr M.

no special privileges are

even calculated to injure

again really

Well

14 Copies to Mr D. P. G. (see page 14)

14 " " " " " " " " " " " "

Villagers are are recognized
 should be allowed to
 there, ~~from them elsewhere~~
~~the Forest Department~~
~~it then in the future~~
~~the Forest Department~~
 Reddome will now ^{therefore} prepare
 and submit a few supple-
 mentary rules defining the
 rights of the villagers, and
 specifying the restrictions
 under which they may be
 exercised.

JP MA

[Faint, mostly illegible handwritten notes and signatures at the bottom of the page.]

Joint Conservancy of
Salem District & Kallakur
malai.

Revenue 1862 Departt.
Pro: of Govt for October

Pro. No. 210-212

14-6-62

222-223

16-7-62

9-10

1-8-62

118-119

9-8-62

No 2131

Pro: of the Madras Govt

D 3^d October 1862

From Off^r Conservator of Forest
At 10 Oct 62 bel^d 1st 79 81-in No 20
Des^r 283/4

Issuing orders on
Sapers respecting exigencies
upon coolies or bullock
loads of timber.

No 21 @ 23.