

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1793

Press

~~Mis.~~

383.884

Dated

30.9.1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
30th September 1863.*

No. 383. Read the following letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, to Honorable A. J. ARBUTHNOT, Chief Secretary to Government, dated Ootacamund, 12th August 1863, No. 623:—

SIR,

1. I have the honor to forward a letter from the Collector of Malabar on the subject of Stump Fee in the Conolly Teak Plantations, which he has forwarded through my Office.

2. I consider that the rates of stump fee proposed by the Collector in Rule 2, paragraph 6 of his letter, are very fair and liberal.

3. I cannot, however, recommend that the lessors be allowed a per centage on any profit that may accrue from the sale of saplings thinned out for the improvement of the plantations; if we acknowledged any claim on their behalf, they might demand the full stump fee of 1 Rupee on each sapling, which would at an average be four times the value of the sapling felled. It is quite clear that they have no right to make any such claim and that their profits were only to commence when the trees were felled for timber.

4. If Government sanction the Rules proposed by the Collector, the Forest Department will in future undertake all the working of the natural forests in all the leased lands of the plantations.

From G. A. BALLARD, Esq., Collector of Malabar, to Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Calicut, 7th August 1863, No. 86.

SIR,

1. In G. O. No. 2,426, dated 17th November 1862, I was called upon for a report on the question of the Stump Fee to be paid on jungle timber cut by, or on permission of Government on the forest lands leased from the Jenmis noted, and for any remarks I had to offer on certain forest arrangements proposed in Captain Beddome's letter, dated 18th October last.

Zamorin of Calicut.
Nilambur Tirumelpad.
Kirangal Nambudripad.
Manager of the Trikalur Devasom.

I have noticed the other points mooted in Captain Beddome's letter already.

I have now the honor to report on the stump fee question.

Collector to Govt., 7th August 1861, No. 78.
G. O. 29th August 1861, No. 1,737.
Collector to Board, 10th September 1861,
No. 204.
G. O. 23rd November 1861, No. 2,208.

2. The subject has already been treated of at some length in the correspondence noted.

To state it briefly, when the leases were drawn up jungle wood had little or no marketable value. It was only provided that if Government had occasion to cut such wood they were to allow the lessors right "according to the custom of the country."

The custom was and is for the feller to pay the Jenmi a fee on each tree cut. The fee at the time the leases were executed was about Annas 3 and Pice 2 per stump on jungle trees, under which term all trees save Teak, Black-wood, Cedar and Punna were included.

3. Of late years timber has risen greatly in value. The customary stump fee has risen accordingly.

The rates quoted may be taken as "customary" on the principal sorts of timber.

Benteak	...	5 0 0	Rupees per tree.
Karumaradu	...	4 0 0	do. do.
Vellamaradu	...	3 0 0	do. do.
Iruil	...	2 8 0	do. do.

Mr. Grant levied stump fee at these rates on Government account from certain parties, to whom lease was given to cut certain timber on the lands leased to Government. The Jenmi claimed that the whole increased stump fee should be paid to him, instead of stump fee at the old rate.

From the loose wording of the lease there was much uncertainty as to the lessor's and lessee's relative claims.

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Mr. Grant proposed that half the increased rate should be paid the Jenmi, and half go to Government. This was sanctioned by Government, agreed to by the Jenmi, and half stump fee (at the rates then levied) has been paid the Jenmi since.

4. The above arrangement was made with the Trikalūr Devasom only. I have been desirous of entering into some more definite arrangements, but, as I have before reported, this Jenmi has shown great reluctance to subscribe to terms, and seems to prefer that matters should be left in doubt rather than that clear agreements should be arrived at. From him, after repeated applications, I have only got an indefinite assent to rates sanctioned by Government in the Proceedings above quoted. The other Jenmis have agreed to the principle of receiving half the ruling stump fees of the time.

5. It will be difficult to obtain the previous formal consent of the Jenmis to the following Rules. But I feel satisfied the provisions are perfectly fair, and I recommend that they be sanctioned by a G. O. and introduced in practice.

I do not anticipate objection from the Jenmi. But if any should be raised the position of Government will, I believe, be impregnable.

6. **RULE.**

(1.) The rates of stump fee specified in the leases will be paid accordingly, viz., in the Trikalūr and Nilambūr leases 1 Rupee per tree on the Teak, Black-wood, Cedar and Punna trees that were three borrels thick at the time of the lease; and half a Rupee per tree on Teak saplings that existed then, as well as on Teak planted by Government, *when fit for cutting*.

In the Nelikuta lease 1 Rupee per tree on the Teak, Black-wood, Cedar, and Punna trees that existed at the time of the lease, as well as those that may grow afterwards or may be planted.

Stump Fee.	Half ditto to be paid by Government.
Pentak ... 5 Rs.	2½ Rupees.
Karumaradu 4 "	2 "
Vellamaradu 3 "	1½ "
Irūl 2½ "	1¼ "
And the last rate on other jungle woods cut for the market.	

* It is quite necessary to fix some period to prevent constant uncertainty.

(2.) On other trees, cut for use or sale by or on permission of Government, half stump fee at the rates noted shall be paid the Jenmis by Government.

These rates shall hold for the next five* years.

If Government or the Jenmis then desire a revision of rates, an adjustment according to the customary rates then ruling shall be made. This adjustment to be effected by a Committee of three members, one to be chosen by Government, one by the Jenmi, and one mutually.

(3.) Stump Fee to be leviable only on trees above eight inches in diameter, about twenty feet from the ground.

(4.) Stump fee to be payable as above on trees cut in clearing for fresh plantation when such trees are removed for use or sale.

But no fee will be due on trees cut and burnt or left on the ground to rot.

(5.) Stump fee to be payable on Bamboos at Rupees 20 per 1,000 for five years. If revision is then required it is to be effected as above.

7. The question of the right of the Jenmis to demand stump fee on saplings cut in thinning the plantations remains.

I am clearly of opinion that the Jenmis have no right whatever to any such due.

The custom of the country clearly points to stump fee being leviable only on trees above eight borrels thick, i. e., about eight inches in diameter at some twenty feet from the ground.

"I agree to receive a Kutti Kanom at the rate of half a Rupee per tree upon the saplings now existing over and above the 17,400 trees alluded to in paragraph 2, as well as upon the trees which the Circar may hereafter plant, when they, on becoming fit for cutting, shall be cut and removed by the Circar."

In the Trikalūr Devasom lease it is clearly stated that the stump fee was to be payable when the trees became "fit for cutting."

8. At the time of the lease the notion of thinning probably never entered the lessor's head.

The idea of claiming stump fee on thinnings is simply an after thought, and a very natural one perhaps from the Jenmi's point of view.

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But the proceeds of the sapling sales are clearly, it seems to me, due to Government alone. They are a direct return from special expense and labor incurred. The Jenmis have no claim to a share.

9. Sir C. Wood, however, has expressed a desire that the Jenmis be treated liberally, and if as an act of favor the Government desire to give the Jenmis some participation in these sapling profits, I would suggest that the allowance of a per centage on the sale proceeds realized, would be the best arrangement.

10. If the concession of this favor is determined on I would make it conditional on previous subscription by the Jenmis to the Rules I have proposed above. Fair and unobjectionable as the provisions are, and though the Jenmi have signified a general assent to the rates, they will demur to subscribing formally to the more distinct provisions unless some compromise about the saplings is made.

It is undoubtedly most desirable that distinct provisions should be introduced, and though, as already said, I believe the above provisions introduced by a G. O. would be upheld if the matter came before a Court, it would be preferable to have them agreed to by both parties to the lease.

11. If Government desire it I will state specifically the per centage of the sapling sale proceeds I would propose to allow.

If it is determined that no share is to be given the decision should be distinctly notified.

I send this letter through the Conservator for any remarks he may have to make.

P. S.—I must add to prevent misapprehension that I advocate (what indeed we have lately begun to carry out) the entire cessation of grants to wood merchants and others to fell on stump fee in the Government rented lands. Government should fell and dispose of the timber paying the half stump fee rates quoted in paragraph 6.

No. 384. ORDER THEREON, 30th September 1863, No. 1,793.

1. Referred to the Board of Revenue for early report.

2. The Collector of Malabar will mention the rate of per centage he would propose on the proceeds of the sale of saplings.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

" Conservator of Forests.

" Collector of Malabar.

Exd. S. T. Augustin.

3-7-1864

920-17° November 1862 at 193-194

49° 23' 11" 414-1115

23° 21' 11" 240 241

Letter to Congress

dated 23rd February 1864

1862

10-1-1864

30-10-1863

25/6/117

Received 18623 Department
Office of Forest Service

From

The Officiating Conservator of Forests

for the purpose of

Date 12th August

1863

Record

From the Collector

No. 623

Enclosure 1

No. 1

Subject

From Road of Macleay 1863

CR245A

Collected at Macleay with
subject of stamp for
signature.

1863-30 1864

With an extra

186389 + 384.

8003

1863

Report to the Board

of Revenue for early report

the Committee of

Education and Education

into of percentages the

annual progress and other

proceeds of the sale of

capital

1864-1865 1863 1864

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1864-1865 1863 1864