M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 199 Press ~~Mis.~~

70-72

Dated 3 . 2 - ~~19~~ 84

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 3rd February 1864.

No. 70. Read the following papers :—

Proceedings of the Board of Revenue, dated 10th October 1863.

Read Proceedings of the Madras Government, Revenue Department, dated 30th September 1863, No. 1,793.

(In Cons. 1st October 1863, No. 6,346.)

1. As Mr. Ballard and Captain Beddome are of one opinion as to rates and share of Stump Fee in every case except that of saplings, the Board deem it unnecessary to say more than that they consider the proposal very liberal. It will be observed that the Jenmis' share of the fee on jungle wood at the *lowest* rate is higher than what is reserved under the leases for the superior timbers.

2. In regard to the question of the allowance proposed by the Collector to be made on saplings, to which Captain Beddome objects, the Board have referred to the translation of the lease obtained from the Nambadripad which is on their records, and they are of opinion that the intention of the parties to it was that the Jenmi should receive a share, whether large or small, in all the profits derived from the sale of timber cut on his land.

3. No provision was made for the case of timber other than what might be felled "when fit for cutting," but as Mr. Ballard observes, the thinning operation were not contemplated when the lease was drawn.

4. The profits to the Jenmis must have been so much larger than they expected, and the results of the plantations are so entirely due to the cost incurred by Government, that a small share out of the sale proceeds of the saplings should satisfy all reasonable expectation, but the Board agree in opinion with Mr. Ballard that a per centage should be given, though they go beyond him in thinking that the spiritof the lease demands this.

No. 71. From Captain R. H. BEDDOME, Officiating Conservator of Forests, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Camp Mercara, 6th November 1863, No. 738.

SIR,

1. I have the honor to forward a letter from the Collector of Malabar, dated 21st October 1863, No. 115.

2. It would not be possible for our Department to pay stump fee on trees felled in ground required for planting, nor did I suppose that it was ever contemplated in Mr. Ballard's rules; to yield a fair profit after the payment of the stump fee, trees must be selected.

3. I cannot myself recommend the payment of 5 per cent. upon the proceeds of thinnings that are necessary for the better growth of the plantation; it was never contemplated in the original lease. If any allowance is to be made 5 per cent. will be liberal, by the terms of the lease we have to pay 1 Rupee upon every Teak tree felled, this will not be more than 2 per cent. as the trees taken at the lowest average will contain 30 cubic feet and be worth more than 50 Rupees each.

From G. A. BALLARD, Esq., Collector of Malabar, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Manantody, 21st October 1863, No. 115.

SIR,

1. Adverting to Government Order 30th September, No. 1,793, I have the honor to observe that I think as an act of favor 5 per cent. on the gross proceeds of the sales of Teak saplings might be allowed the Jenmis.

2. I beg however to recommend an alteration of Rule 4, paragraph 6 of my letter of the 7th August last, No. 86.

It has been brought to my notice by Sub-Assistant Conservator Ferguson that the payment of Stump Fee on trees felled for fresh plantations may act injuriously to Government, and will be but of little advantage to the Jenmi.

E. g., 1,000 trees may be felled (in clearing for fresh plantation) that we may safely calculate would yield a net profit of Rupees 1,000 to 2,000 at least if removed and sold, provided no stump fee is leviable.

If however even the *lowest* rate* of stump fee is leviable on these trees it would amount to Rupees 1,250, and thus render their removal a dead loss to Government, or leave the profit so small that it would not be worth while to attempt removal.

Rs. A. P.
* 1 4 0

The trees would be burnt on the ground, so the Jenmi would gain nothing, and Government would lose a fair source of partial reimbursement for the expenses attendant on fresh planting.

3. I would therefore make Rule 4 stand "no stump fee to be leviable on trees cut *bonâ fide* in clearing for fresh plantation."

4. As before said I would make previous subscription to these Rules the condition of the allowance of 5 per cent. on the proceeds of sapling sales.

P. S.—I send the letter through the Conservator for any remarks he may have to make.

No. 72.

ORDER THEREON, 3rd February 1864, No. 199.

1. In their Order of the 23rd November 1861, Government decided on admitting the claim of the Trecullor Nambudripad to a moiety of the "stump fee" realized by them on bamboos and jungle* trees cut in the Conolly plantations.

(* All wood other than Teak, Blackwood, white Cedar and Poon.)

2. In his report on the plantations, dated 18th October 1862, Captain Beddome stated that the Forest Department intended to cut and dispose of the "jungle" woods instead of selling on the stump fee system, and that he understood that the Nambudripad intended to claim a moiety of the sale proceeds, which he considered preposterous, as only 1 Rupee per tree had been fixed in the original agreement for Teak and Black-wood, then growing in the forest.

3. The question was referred to the Collector and the Board of Revenue.

4. The Collector Mr. Ballard proposed that stump fee according to the terms of the agreement should be paid on the trees specified therein, that on other trees stump fee at the rates marginally noted being half the present customary rate, should be allowed for the next five years, the rates being then subject to revision by arbitrators at the desire of either party, that these fees should be paid only on trees above eight inches diameter, about twenty feet from the ground, removed for use or sale.

	Rs.	A.
Ben Teak	... 2	8
Karumaradu	... 2	0
Vella Maradu	... 1	8
Irul and other jungle trees ...	... 1	4
Bamboos per milk ...	... 20	0

5. Mr. Ballard further proposed that a per centage allowance should be paid on saplings cut in thinning the plantations, not as a right but as a concession, in return for which the Nambudripad and other proprietors should formally agree to the rules above cited.

6. Captain Beddome considered the rates of stump fee "very fair and liberal," but demurred to the per centage allowance on the ground that the claim was untenable, and if admitted at all might lead to the demand of the full fee of 1 Rupee on each sapling, which would on the average be four times the value of each sapling felled.

7. In his last letter the Collector recommends that the allowance should be 5 per cent. on the gross sale proceeds of Teak saplings. He also proposes, in modification of his previous suggestions, that no stump fee should be payable on trees cut *bonâ fide* in clearing for fresh plantations, as even the lowest rate of fee would often render the removal of such trees unprofitable.

8. Captain Beddome still demurs to the per centage allowance, as never contemplated in the agreement, but considers the rate mentioned by the Collector liberal as Teak pays only about 2 per cent. He quite agrees in the other modification proposed by Mr. Ballard, remarking that only selected trees yield a profit after payment of the stump fee, and that such a rate could not be paid on trees indiscriminately felled in clearing ground for fresh plantations.

Proceedings of the Madras Government, Revenue Department, 3rd February 1864.

9. The Board consider the rates of stump fee very liberal, and in regard to the allowance on saplings they consider that the proprietors are entitled under the spirit of the lease to a share, whether large or small, in all the profits derived from the sale of timber cut on the land.

10. There are thus two questions before Government, viz.:—

I. The rights of the Native proprietors in regard to jungle wood cut and sold by the Forest Department, and,

II. Their rights in regard to saplings cut for thinning and other similar objects.

11. The Deed under which the Forest is held is printed in the Proceedings of Government dated 23rd November 1861. Its sixth clause runs thus:—

"If the Sirkar shall have occasion to cut for their use jungle wood, bamboos, &c., * * * they are to allow me my right according to the usage of the country." The nature of this right has already been determined by the arrangement mentioned in paragraph 1 of this Order, whereby the proprietor receives half the stump fee realized by Government. It is clear that if Government think fit to cut and sell the trees by the agency of their own servants instead of selling them on the stump fee system, the proprietor is equally entitled to a moiety of the net proceeds, after deducting charges incurred for felling, transport, management, &c. The objections to the Collector's plan are that it departs from a clear and equitable principle, and that it leaves the matter open to agitation hereafter. The rates he proposes may be liberal now, but the value of timber may rise, in which case the proprietors will be dissatisfied, or may fall, in which case Government will lose.

12. As to saplings, the fifth clause of the Deed is as follows:—"I agree to receive a Kuttikanom 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 Sirkar may hereafter plant when they on becoming fit for cutting shall be cut and removed by the Sirkar." The saplings here alluded to are clearly only Teak, and there can be no doubt that on all such as then existed, Government are bound to pay the stipulated fee, whether they cut them for sale or for other objects. As regards other saplings the Deed is silent, but it is only equitable that the proprietors should receive some payment for them, and the fairest course is to adopt the principle which rules the Malabar settlements, viz., to pay to the proprietor 20 per cent. of the net proceeds.

* "That the Sirkar in cutting trees out of the 17,400 Teak trees above three borrels thick ascertained to exist in the said Forests * * *"

13. The fifth clause of the Deed shows clearly that no payment is to be made on trees planted by Government until they become fit for cutting or reach maturity, and therefore saplings cut for thinning and promoting the growth of the Government plantations are not subject to any charge. It may reasonably be supposed that this exemption was meant to cover the expense of forming the plantations.

(True Extract.)

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

To the Board of Revenue.
,, Conservator of Forests.

Exd. S. T. Augustin.

Revenue Depart.

Claim [illegible]

In their order of the
23d November 1861, Go-
vernment decided on ad-
mitting the Claim of the
Treasurer Namlindrispad
to a moiety of the Amount
of Fees realised by them
on Licences and Fines
levied in the
Conolly & Cantonments.

In his report
on the Plantations
dated 15th October 1862
Captain Beddome

(Allowed other Claim
Teak Black wood
White Cedar and Poon)

stated that the Forest Department intended to cut and dispose of the "Jungle" woods instead of selling on the Stumpage System and that he understood that the Rambukkana Estate intended to claim a moiety of the sale proceeds a Rule Recently decided pursuant thereto according to Rs 1 Rupee per tree had been fixed in the original agreement for Teak and Blackwood then growing in the Estate

The question was referred to the Collector by the Board of Revenue

The Collector Mr. Ballard proposed that stumpage fee according to the terms of the agreement should be paid on the trees specified therein that on other trees stumpage fee at the rates marginally noted being 1/2 the present customary rate - should be allowed for the next five years, the rates being then subject to revision by arbitrators at the desire of either party that these fees should be paid only on trees above 8 inches diameter about 20 feet from

	Rs.
Ben Teak -	2 1/2
Karumaran -	2
Vella Maran -	1 1/2
Irúl and other jungle trees -	1 1/4
Bamboos per mille	20.

the ground, removed
for use or sale.-

Mr. Ballard
further proposed
that a percentage
allowance should
be paid on sapling
cut in thinning the
plantations - not as
a right but as a
concession in re-
turn for which the
Rambu-rifad &c -
other proprietors should
formally agree to the
rules above cited.

Captain Reddome
considers the rate
of stump fee "very
fair and liberal" but
demurred

demurred to the per centage
allowance on the ground that the
claim was untenable and if
admitted at all might lead to
the demand of the full fee of 1 Rupee
on each sapling which would on
the average be four times the
value of each sapling felled.

In his last letter
the Collector recommends that
the allowance should be 5 per
cent on the gross sale proceeds
of teak saplings. He also
proposes in modification of
his previous suggestions that
no stump fee should be pay-
able on trees cut bona fide in
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2 per cent - He quite agrees
in the other modifications
proposed by Mr Ballard,
remarking that only selected
trees yield a profit after

pays

payment of the stumpage fee and that such a rate could not be paid on trees indiscriminately felled in clearing ground for fresh plantations.

The Board consider the rates of stumpage fee very liberal — and in regard to the allowance on saplings they consider that the proprietors are entitled under the spirit of the lease to a share whether large or small in all the profits derived from the sale of Timber cut on the land.

There are thus 2 questions before Government Viz.

I The Rights of the native proprietors in regard to jungle Wood Cut and sold by the Forest Department and

II Their rights with regard to saplings cut for thinning and other similar objects.

The

The deed under which the Forest is held is printed in the proceedings of Government dated 23rd November 1861. Its sixth clause runs thus.

"If the Sirkar shall have occasion to cut for their use jungle wood, Bamboos, &c. × × × they are to allow me my right according to the usage of the Country". The nature of this right has already been determined by the arrangement mentioned in para: 1. of this memo: whereby the proprietor receives half the stumpage fee realized by Government. It seems clear to me that if Government think fit to cut and sell the trees by the agency of their own servants instead of selling them on the stumpage fee system the proprietor is equally entitled to a moiety of the net proceeds, after deducting charges incurred for felling — transport — management

management, &c. &c. &c.
objections to the Collectors plan
are that it departs from a
clear and equitable principle
and that it leaves the matter
open to agitation hereafter.
The rates he proposes may
be liberal now - but the value
of timber may rise, in
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will be dissatisfied - or may
fall, in which case Government
will lose. ‖ As to expunging the
fifth clause of the Deed in
question ‖ I agree to receive
a Fluctuation at the rate
of half a Rupee per tree upon
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well as upon the trees
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be cut and removed
by

That the Sirkar
in cutting trees out
of the 17,400 Teaktrees
above 9 Bomb Girth
ascertained to exist
in that Tract - Forest Co.

by the Sirkar." The saplings
here alluded to are clearly
only Teak and there can
be no doubt, that on all
such saplings as shall be
visited, Govt are bound to
pay the stipulated fee,
whether they cut them for
sale or for other objects -
as regards other saplings
the Deed is silent, but
it seems only equitable
that the proprietors should
receive some payment
for them and the fairest
course (seems to me) to
the adoption of the
principle which rules
the Malabar settlements
viz proving to the proprietor
20 per cent of the net
proceeds - I do not see
how

how Government ought
could maintain that
they have a right in the
ichance of any stipulation
in the deed - appropriate
the whole proceeds of
trees growing on the pro
prietors lands - It seems
to me to matter little why
the trees are cut - if they
are sold - I do not see
in what principle Mr
Ballard proposes of pre
cut - unless it be as a
rest - But such policy
is unwise - and unbe
fitting the Government
If the proprietors have no
right why should they
sometimes think they
have a right, it is better
to admit at an earlier

6

well recognized principle -

Upon all the con
siderations I have given
to the subject I think
the plain & progressive
though much more liberal
than that of the Collector
and Conservator, will be
an equitable adjustment
of a doubtful point - and
one which Government
could uphold in the
Courts - It is to be re
gretted that the deed
was not prepared in
more specific terms,
but this cannot now
be avoided -

The fifth clause
of the deed shows clearly
that no payment is
to be made on trees
planted

planted by Government
until they become fit
for cutting or reach ma-
turity - and therefore
supplying aid for thinning
and promoting the growth
of the Govt. plantations
are not subject to any
charge - It may be
Recommended
Locally he suggested
that the Exemption
wear regards the Expence of forming
the Plantations - But
it may also be urged
that when such
thinnings are cut &
sold they become fit
for cutting - and
that the prohibition
is Detrimental to some
thing as they grow
on his land. But

I concur in Mr. Sims
views on this paper
L Ellis
JP

that they may be left
to age, as there is no
objection to the claim.
Orders requested.
L D.S.

Revenue Department

10

No 199.

Proceedings of the Madras Government under date the 3d February 1864

Read the following papers:-

From the Board of Revenue, submitting their Board's remarks on the subject of stump fee proposed by the Collector of Malabar and the Conservator of Forests:-	(Secretary to Govt Dept No 1
From the Conservator of Forests:- Forwarding a letter from the Collector of Malabar on the subject of a percentage being paid on the trimming of saplings in the Nellumboor Teak plantations.	(Secretary to Govt 6 Nov/63 No 738

In their order of the 23d November 1861, Govt decides on admitting the claim of the Zemindar to Rambudripad to a moiety of the "Stump fee" realised by

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(all wood, other than Teak - Blackwood - White Cedar & Poon.)

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The question was referred to the Collector and the Board of Revenue -

The Collector Mr. Ballard proposed that stump fee according to the terms of the agreement should be paid on the trees specified therein - that on other trees stump fee at the rates marked against noted being ½ the customary rate - should be allowed for the next five years, the rates being then subject to revision by arbitrators at the desire of either party - that these fees should be paid only on trees above 8 inches diameter, about 20 feet from the ground, removed for sale -

Mr. Ballard further proposed that a percentage allowance should be paid on saplings cut in thinning the plantations not as a right but as a

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Karumaradu -	2
Vella Maradu -	1½
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I. The rights of the Native proprietors in regard to jungle wood cut and sold by the Forest Department &

II. Their rights in regard to saplings cut for thinning and other similar objects-

The deed under which the Forest is held is printed in the proceedings of Govt dated 23^d November 1861- Its sixth clause

3

claims that the "If the Sirdars shall have occasion to cut for their use jungle wood, Bamboos &c &c they are to allow me my right according to the usage of the country" The nature of this right has already been determined by the arrangement mentioned in para 1 of this order whereby the proprietor received half the stumpage fee realised by Govt- It is clear that if Govt think fit to expend & sell the wood by the agency of their own servants instead of selling them on the stump see systems the proprietor is equally entitled to a moiety of the net proceeds, after deducting charges incurred for felling - transport, management &c- The objections to the Collectors plan

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It may reasonably be
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14 Apr 1 Letter Sd of Revd Capt P Ld
4 — Comrs of Forestry.

Copy in a Letter to England
Dated 23d February 1864 No. 12

30-1-15

30-10-15

25/6/17

Pro No. 383-384
30-9-63
C. No. 2452/63.

Revenue 1864 Deptt.
Proc: of Govt for February.

No. 199.

Proceedings Board of
Revenue on the subject
of levying Stamp Fees
in Tinnelly plantation,
reviewed.

No 70 & 72.

Rec'd 26 January for Rs. Fees