

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 603

Press

~~Mis~~

175-176

Dated

9. 4 - 191864

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
9th April 1864.*

No. 175. Read the following letter from CLEMENT DALE, Esq., Government Pleader, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 7th April 1864, No. 79 :—

SIR,

1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin, as also a copy of the
25th February 1864, No. 346, Revenue Department. "Rules for the conservancy of the Forests in the Madras Presidency" subsequently forwarded to me.

2. I will at once say, most decidedly, that Captain Beddome should not be permitted to commence a Civil Suit against Mr. Johns.

3. I am also of opinion that if criminal proceedings had been instituted against Mr. Johns, as was contemplated by Mr. Borradaile, a conviction could not have been obtained.

4. The present suit by Mr. Johns is ill-conceived, and unless he succeeds in proving loss consequent on any act of Mr. Borradaile's, he ought to have a judgment against him.

5. It is not necessary in all cases to put in a written statement by a Defendant, and I have had doubts whether it is desirable to file one in the present case, I have however prepared the accompanying; no time has been named to me as that fixed for the first hearing, but if it has not yet taken place, the accompanying may be presented to the Court, after it has been carefully examined by Captain Beddome and made in accordance with the facts.

6. Mr. Johns has denied knowledge of the existence of the Rules, and it has not been suggested to me that proof of his previous knowledge of their existence and terms could be adduced; I conclude therefore no such proof is forthcoming.

7. He however had notice of the Rules given to him on the 4th of July 1863, and from that time he ought to be held bound by them.

8. I am aware it is contended that Mr. Johns must have known of the Rules, for if he had not been cognizant of them, he would not have paid the Rupees 50 to the Deputy Tahsildar, I do not agree with that argument, every man knows he has no right to enter on the land of another and fell timber on that land; but if a man were to go to a servant of the owner of the land, and after stating what he required, he was told he must pay Rupees 50, and on his complying with the demand, he has a receipt granted to him, and is not told he is to take any further step. I think it is not incredible that such a man might be under the impression he had done all that was requisite, and that he was authorized to take the timber; great laxity formerly prevailed, and parties were permitted to fell wherever they thought fit.

9. In paragraph 3 of the written statement, I have stated what I have understood to be the practice in the Department. That however is not in accordance with the published Rules, there (see Rule 17) the language would indicate that the Forest Department was bound to grant a license. If I have not stated the practice correctly the written statement should be amended.

10. I do myself the honor of suggesting for the consideration of the Honorable the Governor in Council, that a Notice, in the language of the District and in English, should be appended to the receipt or voucher granted to each applicant, to the effect that no timber can be felled by the applicant until he has procured from the Forest Department a license for the purpose; and that he must act in every respect in conformity to the Rules in existence for the conservancy of the Forests in the Madras Presidency.

11. I return the papers which accompanied the Proceedings of Government noted above.

*Proceedings of the Madras Government, Revenue Department,
9th April 1864.*

No. 176.

ORDER THEREON, 9th April 1864, No. 605.

1. Communicated to Captain Beddome who will act in accordance with Mr. Dale's advice. The Collector will be requested to aid the Officer in charge of the Salem Forests who is probably new to this duty.
2. The Government desire that no Suit be instituted against Mr. Johns.
3. Captain Beddome will submit a revised form of Voucher and a fresh Draft of Rule 17.

(True Extract.)

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

To the Government Pleader.
" Board of Revenue.
" Conservator of Forests, with Draft.

10. I do myself the honor of suggesting for the consideration of the Honorable the Governor in Council, that a notice, in the language of the District and in English, should be appended to the prospect or notice granted to each applicant, to the effect that no Officer can be held by the applicant until he has obtained from the Forest Department a license for the purpose, and that he must act in every respect in conformity to the rules in existence for the Conservancy of the Office to the others a Presidency.

11/5/57 No 603

Communicated
to Captain Reddome
who will act in ac-
cordance with M^r
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The Govt de-
sire that no suit be
instituted against
M^r Johns.

Captain Red-
dome will suit met.

Recd 18th Sept
From J. J. [unclear]
To Secretary to Government
Dated 7th Sept 1857
Recd 9th do

C. H. 79

with enclosure.
From the [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
written statement in
behalf of the Defendant
in C.S. of 1852
re revised form
of Voucher and a
fresh draft of [unclear]

17- With an Order
The Court please [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]