

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 882

Press

~~Mis.~~

263.265

Dated

23-5-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
23rd May 1864.*

Read the following letters:—

No. 263. From Captain R. H. BEDDOME, Officiating Conservator of Forests, to C. G. MASTER, Esq., Deputy Secretary to Government, Revenue Department, Fort Saint George, dated Camp Ootacamund, 1st April 1864, No. 867.

SIR,

1. With reference to the Government Order No. 457, dated 16th of March 1864, I have the honor to forward copy of a report upon the subject by Captain Gib, Assistant Conservator of the Wynád and Hoonsoor Forests.

2. It appears that the Madras Government has been in undisturbed possession of these forests for sixty years, I would suggest that the Mysore Government be applied to, for copies of the documents alluded to by Captain Gib so that if necessary the same might be laid before the Supreme Government.

3. The report made by the Superintendent of Astagram concerning destructive felling is, I believe, quite unfounded, the forests are systematically worked by a European Overseer under the superintendence of Captain Gib.

4. The forests alluded to join our Wynád tract, and are easily worked and conserved by the Assistant Conservator of Wynád, and the two forests being worked together we are of course enabled to keep up a more efficient Establishment.

5. The Mysore Government might have taken into consideration that a large tract of Teak forest (in dispute between Malabar and Mysore), was handed over to them several years ago by the Madras Government.

From Captain W. A. GIB, Assistant Conservator of Forests, in charge of Wynád and Hoonsoor Forests, to Captain R. H. BEDDOME, Officiating Conservator of Forests, dated Manantoddy, 23th March 1864, No. 198:—

SIR,

1. I have the honor to acknowledge the receipt of copy of the Proceedings* of Madras Government, dated 16th March 1864, No. 457, together with copy of Proceedings of the Governor General of India in Council on the subject of the Hoonsoor Forests, and in compliance with your Memorandum which accompanied them to report thereon.

2. I believe that on reference being made to the old correspondence filed in the Office of the Superintendent of Astagram Division, it will be found that these forests were placed apart in 1803 by His Highness the Maha Rajah of Mysore for the exclusive use of the East India Company and himself.

3. At this time His Highness was an independent sovereign and had full power to hand them over in any way he pleased, and although it may have been stated in the original document giving them over, signed, I understand, by his Prime Minister, Poorniah, that they were given up to the Company for the use of the Gun Carriage Agency, it appears likely enough that he intended to give them up as far as the timber was concerned in perpetuity. An undisputed possession of them for sixty years on the part of the Madras Government, during which period they transferred them at least once from one Department to another-unquestioned, seems to confirm this view. A reference to Poorniah's Purwana giving up the forests would probably throw some light on the subject, as do some letters either in the Office of the Commissioner or Superintendent of Astagram Division, bearing the signature of the Commissioner or Resident, as he was then styled, in which the forests are mentioned as having been given over for the exclusive use of the Madras Government.

4. It is also to be remarked that for very many years, not less than forty I believe, the Madras Government have had the right of catching Elephants in these forests and destroying them, and was in consequence prohibited by the Mysore Government. This prohibition was reiterated to my knowledge within the last two years.

*Proceedings of the Madras Government, Revenue Department,
23rd May 1864.*

5. Now there is no subject on which the Rajahs of this part of the country are so tenacious as the right of capturing Elephants, it being considered by them a royalty, and it appears that unless His Highness the Maharajah of Mysore intended that at all events as far as all forest products were concerned to give the forests up altogether, this way of realizing revenue would not have been allowed to pass unnoticed; nor would the Commissariat Department have been allowed to supply other Departments besides the Gun-Carriage Agency with timber, and even to sell it in the market.

6. I believe also that were the records of the Heggadavencotta Talook Cutcherry well searched, many Takeeds would be found emanating from the Mysore Durbar enjoining the Talook authorities strictly to preserve these forests for the sole use of the Madras Government. The extent of forest thus given over was mentioned, as well as the number of hills comprised in it, and maps were made of them, copies of which I received from the Office of the Superintendent of Astagram Division.

7. I have now to reply to that part of the report of the Superintendent Astagram Division, mentioned in paragraph 3 of the Proceedings of the Governor General in Council, wherein it is stated that the Hoonsoor Forests are being rapidly cleared, young trees as well as old being cut under the orders of the Madras Forest Department.

8. No Superintendent of the Astagram Division, nor indeed any Officer of the Mysore Commission has entered the Hoonsoor Forests since they were placed under my charge on their being transferred to the Forest Department. Where he got this information from I cannot tell, but it is incorrect. I never allow young trees to be felled, and in fact rather than err on that side. I never allow a tree to be felled within half a foot of the smallest girth allowed in the Forest Department; sometimes a young tree is injured or knocked down in the fall of a large one when of course it is squared and brought to account.

9. A steady and intelligent European Overseer is in immediate charge of the Forests, and he has in obedience to my orders squared every top and branch piece that any thing could be made of and brought them to the Depôt; and I can easily understand a stranger seeing these small logs and mistaking them for young trees, but they are not so, as you can judge for yourself the next time you visit the Depôt, for it is easy to distinguish the root log from a top or branch piece by the former always having a fracture more or less, while the latter are cut clean through.

10. I do not of course look all over the forests and fell the best trees and those only, and leave none but the bad for some future day, but I fell the stunted and inferior *when ripe* with the good, which I consider to be proper conservancy.

11. There has been a delay of a few days in sending this report owing to my having been absent in the jungle when your Memorandum reached this.

(True Copy)

(Signed) R. H. BEDDOME, Captain,
Officiating Conservator of Forests.

No. 264. From the Commissioner for the Government of the Territories of His Highness the Maha Rajah of Mysore, to the Chief Secretary to Government, Fort Saint George, dated Bangalore, 7th April 1864, No. 4,812/38.
SIR,

1. Having been directed by Resolution No. 937 A, dated 26th February 1864, of the Government of India, to communicate with the Madras Government on the subject of certain tracts of forest in the Heggadavencotta Talook of Mysore, the timber of which was formerly felled on account of the Gun Carriage Manufactory at Seringapatam, under instructions issued in the time of Dewan Poornia, I have the honor to bring the following facts to the notice of His Excellency in Council.

*Proceedings of the Madras Government, Revenue Department,
23rd May 1864.*

2. It would appear that on the Gun Carriage Manufactory being abolished, the management of these forests was assumed by the Commissariat Department, and that recently they have been placed under the control of the Madras Forest Conservancy.

3. It appears to me that the specific purpose to which the timber was applied no longer existing, it may be questionable whether there are sufficient grounds for the Madras Government retaining possession of forests which undoubtedly belong to the Mysore State, and although I admit that there is a prescriptive right founded on long possession, I would express a hope that the Madras Government will be pleased to relinquish a claim based on this ground, as much practical inconvenience will necessarily arise from the Forest Conservancies of both the Madras and Mysore Governments working in the same Talook. I need scarcely add that the Mysore State loses revenue by the existing arrangement, as a portion of the timber felled is sold in Mysore to the detriment of the interests of this Government.

ORDER THEREON, 23rd May 1864, No. 882.

No. 265.

1. Resolved that the following letters be despatched to the Government of India and the Commissioner of Mysore, and that copies thereof be furnished to the Officiating Conservator of Forests and the Board of Revenue for their information.

2. With reference to the assertion* that the Hoonsoor Forest is being rapidly cleared, the attention of the Government of India will be drawn to Captain Gib's clear denial, but the Government request Captain Beddome to report specially on this forest when he next visits it.

To the Secretary to the Government of India in the Department of Public Works.
(Here enter 23rd May 1864, No. 883.)

To the Commissioner for the Government of the Territories of His Highness the Maha Rajah of Mysore.
(Here enter 23rd May 1864, No. 884.)

• (True Extract.)

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

To the Board of Revenue.
„ the Officiating Conservator of Forests.
„ the Military Department.

Exd S. T. Augustia.

REVENUE DEPARTMENT.
Forests.
FORT SAINT GEORGE,
23rd May 1864.

No. 883.

No. 266.

From

J. D. SIM, Esq.,

Secretary to the Government of Fort Saint George.

To

The Secretary to the Government of India, Public Works Department.

SIR,

1. I am directed to acknowledge the receipt of the Resolution of the Governor General in Council, dated 26th February 1864, No. 937, regarding the Hoonsoor Forest, and to forward copies of a letter from the Commissioner of Mysore and of reports from the Acting Conservator of Forests and the Assistant Conservator in charge of the Hoonsoor tract on the same subject.

2. The Hoonsoor Forest was made over to the Madras Government by His Highness the Rajah of Mysore in 1803, with the object of supplying timber for the Gun Carriage Manufactory then established at Seringapatam.

3. In 1830 the Manufactory was removed to Madras, and the forest was made over to the Madras Commissariat Department.

4. In 1862 the forest was transferred to the Forest Department.

5. The records of this Government do not show whether the original grant of the forest was absolute or intended to be in force only so long as the Manufactory was kept up at Seringapatam. But not only has the forest been for sixty years in the undisputed possession of this Government, but no question regarding the right of this Government to it has been raised during the thirty years which have elapsed since the specific object for which alone Mr. Bowring believes the grant to have been temporarily made, was fulfilled. During the whole period of sixty years the forest has been treated as Government property, the timber having been not only applied to State purposes, but sold to the public.

6. In paragraph 3 of the Resolution of the Supreme Government it is stated that the Commissioner of Mysore objects to placing the Hoonsoor Forest under the Madras Forest Department "as being prejudicial to the interests of the Mysore State, whose proprietary right in this forest is undisputed." In paragraph 3 of his (enclosed) letter to this Government he repeats that these forests "undoubtedly belong to the Mysore State." No evidence is, however, offered to support these assertions or to rebut the strong presumption which unchallenged possession for sixty years naturally raises against them.

7. If it can be shown that the original grant was not absolute the Madras Government would waive all claim on the plea of "prescriptive right founded on long possession," and recommend that the forests be immediately restored. But the alleged temporary character of the grant should be supported by reasonable evidence.

8. It will be seen that the Assistant Conservator in charge of the Hoonsoor Forest believes that various documents likely to throw light on the nature of the grant will be found among the Mysore records. A copy of Captain Gib's report will be forwarded to the Commissioner in view to search being made for such documents.

9. From not having been furnished with the correspondence which led to the Resolution under acknowledgment (the Secretary of State's Despatch No. 14 of 1863 excepted) the Governor in Council does not quite understand the bearing of paragraphs 2 and 4 on the present question. There would seem to be some confusion between Dr. Cleghorn's proceedings in Mysore, on behalf of the Mysore Government, who had then no Conservator of their own, and his proceedings as Conservator of Madras Forests, including Hoonsoor, which, as already stated, has always been regarded and treated as belonging to the Madras Government though situated within the boundaries of Mysore. Or perhaps the arrangement whereby

G. O. 18th September 1860, from Government of India, 7th November 1860, Financial Department, No. 11,241.

in 1860 Captain Gib was placed in charge of the Madras forests in Wynad and the adjoining forests of the Mysore State, his pay being rateably charged to Madras and Mysore

has been mis-understood. This latter arrangement had no reference to Hoonsoor which was

then in the charge of the Commissariat Department, and it ceased when Hoonsoor as a Madras Forest was amalgamated with the Wynál Range and placed under Captain Gib. The Commissioner of Mysore was then requested to resume charge of the Mysore Forests which had previously been worked by Captain Gib (a measure of mutual convenience, as that Officer could not look after them properly in addition to Wynál and Hoonsoor. The Government find that Dr. Cleghorn reported on the Bangalore Gardens, the Nuggur Forests, &c., and visited various parts of Mysore, but all this was done on behalf of the Mysore State. Dr. Cleghorn also received an allowance of Rupees 200 per mensem from the Mysore Treasury for his services to them. His successor, Captain Beddome, neither receives this allowance nor does he now exercise any control over any of the forests of Mysore. The Secretary of State could not have been ignorant of the fact that the Hoonsoor Forest was "a part of Mysore" in the sense of being within its territorial limits, but he could not have supposed from any thing contained in the correspondence of this Government that it was "a part of Mysore" in the sense of belonging to Mysore and not to Madras, for this Government never entertained the slightest doubt of their perfect title to the forest, they fully believed that they were merely placing two adjacent forests belonging to them under one Officer, and doubtless the Secretary of State approved of the measure under the same impression.

10. The question, however, really turns on the intention of the parties, to the original arrangement in 1803. If the Commissioner can satisfy the Governor General in Council that the grant was not absolute, the forest should be immediately restored; if, on the other hand, the grant was absolute, the management of the forest should be left to the Madras Government, who can work it economically and effectively. The Government do not see cause to apprehend any practical inconvenience to the Mysore authorities from this arrangement, as none appears to have been experienced during the sixty years for which the forest has been exclusively managed by Madras Officers.

11. With reference to the assertion that the forest is being rapidly cleared, I am to request attention to Captain Gib's clear denial and his explanation of his proceedings. The Acting Conservator will be desired to report specially on this forest when he next visits it.

I have the honor to be,
Sir,
Your most obedient servant,

Secretary to Government.

Exd. S. T. Augustin.

REVENUE DEPARTMENT.
Forests.

FORT SAINT GEORGE,
23rd May 1864.

No. 884.

No. 267.

From

J. D. SIM, Esq.,

Secretary to the Government of Fort Saint George,

To

*The Commissioner for the Government of the Territories of His Highness
the Maha Rajah of Mysore.*

SIR,

1. With reference to your letter of the 7th April last, No. 4,812-38, relative to the claim preferred by the Mysore State to the Hoonsoor Forest, I am directed to forward for your information copy of a letter addressed by this Government to the Government of India on the subject, together with the letters therein referred to from the Officiating Conservator of Forests and the Assistant Conservator in charge of the Hoonsoor tract.

2. Referring you to the letter to the Government of India herewith forwarded for the views of this Government on the subject, I am directed to draw your attention to the statement made in the Assistant Conservator's letter that there probably exist among the Mysore records various documents likely to throw light on the nature of the grant made in 1803 of the forest in question, and to suggest the advisability of a search being made for the same.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) J. D. SIM,
Secretary to Government.

Exd. S. T. Augustin.

Proceedings of the Madras Government.
Under date the 23rd May 1864

Read the following Papers.

From the Off^{ce} Conservator of Forests.
Forwarding copy of a report and
G.O. N^o 457 dated 16th March/64 by
Captain Gile and informing that the destruction
felling alluded to in para 3 of the order is
quite unfounded &c &c -

(Here enter 1st App^l 1864 N^o 867)

From the Commissioner of Mysore.
Referring to Resolution N^o 937A
dated 26th February 1864 received from the
Gov^t of India, brings to the notice of the
M. Gov^t certain facts connected
with the Forests in the Beggaradann
& other Talook of Mysore. -

(Here enter 1st App^l 1864
General N^o 4812
38.)

Resolved that the
following letter be des-
patched to the Gov^t
of India and the Comptroller
of Mysore, and that
copies thereof be furnished
to the Off^{ce} of Forests,
and the Bd of Rev^{ue}
for their information.

With reference to the
assertion that the Moonsur
Forest is being rapidly
cleared, the attention of
the Gov^t of India will be
drawn

* Resolution No. 937 of India
26 Feb/64 N^o 937 para 3

60
Drain to Captain Gilbo
clear denial, but the
Genl request Capt. Bedome
to report specially on
this forest when he next
visits it.

W

14 Copies to the B. & P. Co. 25 May
4 - Off. Com. of Frontier
7 - Military Dept.
7 - Copies to Genl. of
Indies
1 - to similar

Rev. Dept.

No. 883.

To The Secretary to the
Govt of India
Public Works Dept.

4 Copies Dated 22 May
1864

Dr

No
This draft treats
the subject on one
of right only - the
question of whether
the Fresh should be
given up as a matter
of grace must
be left to
the Sup: Govt.
L. D.

I am directed to
acknowledge the receipt
of the Resolution of the
Governor General in Council
dated 26th February 1864
No 937 regarding the Hooson
Forest, and to forward copies
of a letter from the Commis-
sioner of Mysore and of
reports from the A. & Conserv-
ator of Forests and the
Officer.

Revenue 1864 Dept.
No. of Govt. for day.

No. 882.

200 of the following
of 25.00 day/64.

From the Commr of Mysore
of 5 July/64 (No 117)

No. 188-150
16-3-64

Defront of the
Conservator in the
first proposal of transfer
being necessary to
the Mysore Govt.
forwarded to Govt.
of Madras.

No 263 @ 265.

Dr

Dr

Dr

Assistant Conservator in
charge of the Hoosoor tract
on the same subject.

The Hoosoor
Forest was made over
to the Madras Govt by

His Highness the Rajah
of Mysore in 1803 with the
object of supplying timber
for the Gun carriage manu-
-factory then established
at Seringapatam.

In 1830 the manu-
-factory was removed to
Madras, and the Forest
was made over to the
Madras Commissariat
Department. In 1862 the
Forest was transferred to
the

the Forest Department.

The records of this
Government do not show
whether the original grant
of the Forest was absolute
or intended to be in force

only so long as the manu-
-factory at Seringapatam
was kept up. But

not only has the Forest
been for 60 years in the
undisputed possession of
this Govt. but no question
regarding the right of this
Govt. to it has been raised
during the 30 years which
have elapsed since
the specific object for
which alone Mr. Bowring
believes

believes the grant to have been temporarily made, was fulfilled. During the whole period of 60 years the Forest has been treated as Government property the timber having been not only applied to State purposes, but sold to the public. —

In

In para 3 of the resolution of the Supreme Government it is stated that the Commissioners of Mysore object to placing the Hoosoor Forest under the Madras Forest Department, as being prejudicial to the interests of the Mysore State, whose proprietary right in this Forest is undisputed. In para 3 of his (enclosed) letter to this Government he repeats that these Forests "undoubtedly belong to the Mysore State". No evidence

is,

is however, ^{offered} ~~alleged~~
to support these asser-
tions - or ^{to} rebut the
strong presumption
which unchallenged
possession for 60 years
naturally raises against
them.

If it can be ~~to~~
shown that the ~~is~~
original grant was
not absolute the ~~is~~
Madras Government
would waive all
claim on the plea
of "prescriptive right
founded on long
possession" and
recommend

I would not suggest
this - It would be
a blessing in dis-
guise - The Mysore
authorities have
brought forward
their claim that
if the Govt. find that
the H. H. H. H. H.
forest belongs to
the Mysore State
the account for
the money paid
since 1880 in
can go to the
I would not put
it into their hands
GP

Collected

recommend ~~is not only~~
that the Forests
be immediately ~~to~~
restored but that
the net profits - so
far as they can
now be ascertained
of all timber ap-
plied to purposes
other ^{than} those con-
templated in the grant
be refunded to the
Mysore State - But
the alleged temporary
character of the
grant should be
supported

supported by reason-
able evidence.

It will be
seen that the Assistant
Conservator in Charge
of the Hoosoor Forest
believes that various
documents likely to
throw light on the
nature of the grant
will be found among
the Mysore records -
A copy of Capt. Gibb's
report will be
forwarded to the
Commissioner in
view to search being
made for such documents.

From

10
From not having
been furnished with
the correspondence which
led to the Resolution
under acknowledgment
(the Secretary of State's
Despatch No 14 of 1863
excepted) the Governor
in Council does not
quite understand the
bearing of paras 2 and
4 on the present ques-
tion. There would
seem to be some con-
fusion between Dr
Clegborne's proceedings
in Mysore, on be-
half of the Mysore
Government, who had
then no Conservator
of their own and his
proceedings.

proceedings as Conservator of Madras Forests including Hoosoor which as already stated has always been regarded and treated as belonging to the Madras Government though situated within the boundaries of Mysore.

Or perhaps the arrangement whereby in 1860 Captain Gib was placed in charge of the Madras Forests in Wynad and the adjoining Forests of the Mysore State, his pay being rateably charged to Madras and Mysore has been misunderstood. This latter arrangement

G.O. 10 Sept 60
From Secy of India
7 Nov. 60. F. I. Dep.
No 11241.

arrangement had no reference to Hoosoor which was then in the charge of the Commissioner of the Mysore Department and it ceased when Hoosoor as a Madras Forest was amalgamated with the Wynad Range and placed under Captain Gib. The Commissioner of Mysore was then requested to resume charge of the Mysore Forests which had previously been worked by Captain Gib (as a measure of mutual convenience) as that officer could not look after them properly in

in addition to Wynad
and Hoonsoor. The Go-
vernment find that
Dr. Fleghorn reported
on the Bangalore
Gardens, the Nuggur
Forests, &c. and vi-
sited various parts
of Mysore. but all
this was done on
behalf of the Mysore
State. Dr. Fleghorn
also received an
allowance of Rupees
200 per mensem from
the Mysore Treas-
ury for his services
to them. His suc-
cessor Captain
Beddome neither
received this
allowance

allowance ^{he does, he knew} nor exercised
any control over any of
the Forests of Mysore. The
Secretary of State could
not have been ignorant
of the fact that the Hoonsoor
Forest was "a part of
Mysore" in the sense of
being within its territorial
limits but he could not
have supposed from any
thing contained in the
correspondence of the Govt
that it was "a part of
Mysore" in the sense of
belonging to Mysore and
not to Madras. for the
Govt never entertained the
slightest doubt of their
perfect title to the Forest.
they fully believed that they
were merely placing two
adjacent

adjacent Forests belonging
to them under one officer
and doubtless the Secretary
of State approved of the
measure under the same
impression.

The question, however,
really turns on the intention
of the parties to the original
arrangements

in 1803. If the Commissioner
can satisfy the Governor
General in Council that
the grant was not absolute,
the Forest should be
immediately restored.

If on the other hand the
grant was absolute, the
management of the Forest
should be left to the Madras
Govt. who can work it
economically and effectively.

The

no doubt that is the
only point in question

14 Copies to Secy of Govt.
4 - Comr of Forests
4 - Comr of Mysore
13 - Comr of Mysore

Fort St. George
23rd May/64

The Government
do not see cause to
apprehend any practical
inconvenience to the Mysore
authorities from this arrange-
ment, as none appears to
have been experienced
during the 60 years for
which the Forest has
been exclusively managed
by Madras Officers.

With reference to the
assertion that the Forest
is being rapidly cleared
I am to request attention
to Capt. Giff's clear denial
and his explanation of
his proceedings. The Acting
Conservator will be desired
to report specially on this
Forest when he next visits
it.

J. D. P.

Revenue Dept.
Pro. of Govt for May.

N. 883.

To The Secy. to the
Govt. of India. P. W. Dept.
of 23rd May 1864.

From do - 18 August / 64
No 2354.

Subject.

Reporting how the
Honsour Forest was made
over to this Government by
the Rajah of Mysore.

N. 266.

3 copies sent P. W. Dept.

N. 884.

R.D.

The Commissioner for the Govt
of the Territories of His Highness
the Maha Rajah of Mysore
Sir,

With reference to
your letter of the 1st
April last No 4812 rela-
tive to the claim preferred
by the Mysore State to the
Honsour Forest, I am di-
rected to forward for your
information copy of a
letter addressed by the
Govt to the Govt of India
on the subject, together
with the letters therein
referred to from the Offi-
ciating Conservator of
Forests and the Assistant
Conservator in charge
of the Honsour tract.
2. Referring you to
the letter to the Govt of
India herewith forwarded
for the news of this Govt.

on the subject, I
am directed to draw
your attention to the
statement made in
the Assistant Quartermaster's
letter that there ^{probably} exist
~~among~~ ⁱⁿ the Mysore records
various documents
likely to throw light on
the nature of the fault
made in 1803 of the
treachery in question, and
to suggest the advisa-
bility of a search
being made for the
same.

17

From H. E. George
28th May 1864

14 copies to the B. of W. Dept 25
4 copies to the Secy of the Govt.
7 copies to the Military Dept 17

Revenue 1864 Deptt.
Pro. of Govt for May.

N. 884.

To the Commissioner
for the Govt. of the Territories
of His Highness the Maharaja
Rajah of Mysore.
23 May 1864.

Forwarding for in-
formation copy of a letter
addressed to the Govt. of
India relative to the claim
preferred by the Mysore
State to the Munsur
Forest.

N. 267