M.R.O. 14—13,000—27-9-24

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1723 Press ~~Mis.~~

447·448

Dated 25 - 7 - 1865.

Not to be folded or roughly handled

No. 447. Read the following letter from Captain R. H. BEDDOME, Officiating Conservator of Forests, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 1st July 1865, No. 1,321:—

SIR,

1. I have the honor to forward a letter from Mr. Ballard, the Collector of Malabar, dated 21st June, No. 79, on the subject of the claim of the Trecullúr Nambudripad.

2. In paragraph 11 of their Order the Government decided that, as the proprietor received half the stump fee realized by Government on the sale of jungle wood and bamboos, &c., he was equally entitled to a moiety of the net proceeds if these trees were cut and sold by the agency of the Government Forest Department. Again, in paragraph 12, Government rule that it will be fair to pay the proprietors 20 per cent. on the net proceeds of "other saplings," but it is not quite clear what is meant by other saplings, as there are no other saplings except what may be cut when we clear for planting.

3. Mr. Ballard does not quite understand the Government Order alluded to, and his object in now writing is to have the Jenmis right clearly laid down, his proposals are as follows:—

1*st*.—A payment of 50 per cent. upon the net proceeds of all jungle timbers actually cut for sale.

2*nd*.—A payment of 20 per cent. upon the net proceeds of all timber that may be brought to market from land cleared for forming plantations.

3*rd*.—No payment upon Teak saplings cut for thinning and promoting the growth of the plantations.

4. As I understand all jungle timber taken from ground cleared for planting to come under the head of the "other saplings," alluded to in paragraph 12 of the Government Order, Mr. Ballard's proposition is exactly the same as that of Government, and I would recommend its adoption.

From G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Acting Secretary to Government, Revenue Department, Fort Saint George, dated Calicut, 21st June 1865, No. 79.

SIR,

1. In their Order dated 3rd February 1864, No. 199, Government laid down that as the proprietors of the Forest lands leased to Government for Teak plantation, &c., at Nilambur and elsewhere were entitled to receive half stump fee if timber was cut on the stump fee system, so the proprietors were entitled to half the net proceeds of timber cut and sold by the agency of the Government servants.

2. Paragraph 12 of the G. O., after quoting the fifth clause of the deed with the Kirangada Murti Shangaren Nambudripad, runs: "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 stipu- "lated fee whether they cut them for sale or for other objects." This is clear enough.

3. But the Order continues, "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 proprietors 20 per "cent. of the net proceeds."

4. There must be some misunderstanding here, for paragraph 13 states that, for reasons given, *no* due is payable to the proprietors on saplings cut for thinning and promoting the growth of the Government plantations, and there are, in fact, only two classes of saplings on which dues to the proprietors can possibly accrue, viz., firstly, those mentioned in paragraph 2; and, secondly, those mentioned in this paragraph, of this letter.

There are no such saplings as seem alluded to in the quotation from the G. O. given in paragraph 3 of this letter, as the small wood not provided for in the two classes just said is not marketable, and is burnt on the ground when clearing is being effected.

* Dated 21st October 1863, No. 115.

5. I think, too, that the particular point brought to notice in my letter* printed with the G. O. under notice has escaped full consideration, as I do not see specific allusion to it.

I pointed out that a quantity of timber was cut in the necessary process of clearing for fresh plantation which, if not liable to stump fee, or other heavy charge, could be brought into the market at a profit, but that if even a low rate of stump fee was charged on such timber it would not be worthwhile to bring it to market at all, and it would consequently have to be left, to be burnt or rot, on the ground.

If under paragraph 11 of the G. O. 50 per cent. of the net proceeds on this timber is payable to the Jenmis, the net profit left to Government will be quite disproportionate to the labor entailed on the Government establishment by bringing this timber to market.

But the Order makes no distinction between this timber and selected timber cut expressly for sale.

6. I therefore beg to suggest that the allowance of 50 per cent. of the net proceeds be given only on selected timber cut by Government for the market. Under ordinary circumstances it is this timber only that would have been cut on stump fee.

7. If Government desire to give a portion of any proceeds that may accrue from marketing timber, cut in the ordinary course of clearing for fresh plantation, I would propose that the principle they allude to in paragraph 12 of the G. O. (*vide* extract in paragraph 3 of this letter) should be applied, and that 20 per cent. only of the net proceeds of this timber should be allowed the proprietors.

This, I think, may fairly be allowed, especially as Government decide that no due is payable on plantation sapling thinnings. The allowance will be so much gain to the proprietors, and it will merely raise to some extent the line below which wood cleared in felling must be left on the ground. But, as already said, the allowance of 50 per cent. of the net profits on these sales would render the ultimate gain to Government so small, that practically hardly any of this timber would be brought to market. The Government and the proprietors would both be losers.

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

No. 448. ORDER THEREON, 25th July 1865, No. 1,723.

Forests, No. 14.

1. The Government consider that under the terms of the mortgage or lease, the Jenmikar is entitled to Kutti Kanom at the rate of one Rupee per tree for the 17,400 enumerated Teak trees then existing "above 3 borrels thick," and for unenumerated Black-wood, Cedar, and Poon trees of same size.

2. For then existing saplings of the same species, and for subsequent plantings, the Jenmikar was to receive half a Rupee Kutti Kanom for each tree that "*on becoming fit for cutting*, shall be cut and removed by the Cirkar."

3. The Deed provided that for jungle wood cut *for use* the Cirkar were to pay the Jenmikar his "right according to the usage of the country," which would have been a trifling Kutti Kanom at the date of the transaction, but when timber became more valuable, and the Government Officers were granting permission to fell jungle wood on payment of a much larger Kutti Kanom to themselves, the Jenmikar claimed the whole as his right, but offered to be content with one-half, and this arrangement was assented to by Government.

4. The same rule was made applicable to trees felled by the Government Officers for clearings, and *sold* by paragraph 11 of G. O. dated 3rd February 1864, and in the same Order Government took up the position that the Jenmikar had no right to any payment on account of saplings thinned out from the Government plantations.

5. But in paragraph 12 of that Order, quoting an extract from the Deed as though it related to the Jenmikar's rights in the case of saplings felled (while as it now appears to Government, on re-consideration, it was clearly intended to refer to saplings existing at the date of the Deed which might be felled after they came to maturity), the Government observed that it clearly referred to only the specified Teak, &c., saplings, and that on *other* saplings 20 per cent. of the net proceeds should be paid.

Proceedings of the Madras Government, Revenue Department,
25th July 1865.

6. The Collector now wishes to make this rule, giving to the Jenmikar 20 per cent. of the sale proceeds of saplings of other than the specified kinds, applicable also to *all* jungle wood felled merely for clearings, and he argues (with reference to the Government remark, that as the Jenmikar was entitled to half the stump fee or Kutti Kanom when parties are allowed to fell on that system, so he was equally entitled to half the sale proceeds of timber felled by Government Officers,) that it is only on selected timber that the Kutti Kanom is levied.

7. It appears, moreover, that it will not pay to take the wood cut for clearings to the market if the Jenmikar is to receive half the net proceeds, "the net profit left to Government will be quite disproportionate to the labor entailed on the Government establishment in bringing this timber to market," and the result will be that the timber will be left on the ground and burnt. Captain Beddome supports the proposal, which he considers to be in fact the proper interpretation of the G. O. of February 1864.

8. The Government consider the proposal to be not unfair to the Jenmikar, but they observe that his consent to it is necessary before the rule can be laid down. The Collector will ascertain and report whether he is prepared to consent to it, the alternative being that the wood in question will not otherwise be brought to market at all.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Officiating Conservator of Forests.
,, the Collector of Malabar.
,, the Board of Revenue.

Exd. S. T. Augustin.

Forest

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Revenue Department

№ 1723-

Proceedings of the Madras Government

Under date the 25th July 1865.

Read the following letter from the officiating Conservator of Forests-

Forwarding a letter from the Collector of Malabar on the stump fee system.

(Here enter 1st July 1865 № 1321)

The Government consider that under the term of the Mortgage or Lease, the Jemmikar is entitled to Kuli Kanam at the rate of one Rupee per tree for the 17,400 enumerated Teak trees then existing "above 3 Correls thick", and for un- enumerated Blackwood, Cedar and Poon trees of same size.

For then existing saplings of the same species- and for subsequent plantings- the Jemmikar was

was to receive half a Rupee kutti kanom for each tree that "on becoming fit for cutting, shall be cut and removed by the Cirkar."

The Deed provided that for Junglewood cut for use the Sirkar were to pay the Jenmikar his "right according to the usage of the country" which would have been a trifling kutti kanom at the date of the transaction - but when Timber became more valuable and the Govt. officers were granting permission to fell Junglewood on payment of a much larger kutti kanom to themselves, the Jenmikar claimed the whole as his right - but offered to be content with one half and this arrangement was assented to by Government.

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But in para 12 of that order, quoting an extract from the Deed as tho' it related to the Jenmikar's rights in the case of saplings felled (which as it now appears to Govt. on reconsideration it was clearly intended to refer to saplings existing at the date of the Deed which might be felled after they came to maturity) the Government observed that it clearly referred to only

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4 Forbes Off Conservator of Forests Desd 4 July
1 " The Collector of Malabar, S
14 " The Board of Rev S

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24-8-96
10-1-13
30-10-15

Revenue 1865 Sept.
Pro: of Govt for July
No. 1723

Gen No. 70-72
3-2-64

Pro: of the Madras Govt
Dy 25 July 1865.

From Collr of Malabar
Dy 1 May 1865 Cir. 1289

Requesting the call of
Malabal to report further
on the Trecullan Naubs:
additionals claim to
half the proceeds of
jungle wood and bamboo
in addition to half
the Stamp Fee of
Nellyamboor Forests

No 447 & 448

Copy of Cir 1289