

# MADRAS RECORD OFFICE.

Government of Madras.

*Revenue* DEPARTMENT.

|                |                          |
|----------------|--------------------------|
| G.O. No. 1797  | Press<br><del>Mis.</del> |
| 76.78          |                          |
| Dated 5-8-1967 |                          |

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14/11/67  
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*Proceedings of the Madras Government, Revenue Department,  
5th August 1867.*

Read the following papers :—

No. 76. Proceedings of the Board of Revenue, dated 5th December 1866,  
No. 8,663.

Read the following letter from the Officiating Conservator of Forests, to the  
Secretary to Government, Revenue Department, dated Camp at Ootaca-  
mund, 18th October 1866, No. 2,040.

1. Adverting to Government Orders, No. 215 of the 4th of February 1865,  
and No. 966 of the 10th of May 1865,  
\* No. 149, dated 9th October 1866.

I have the honor to forward a letter\*  
from Lieutenant Walker, the Deputy Conservator of the Salem District, which, I  
think, deserves the attention of Government, as it appears to me that we are likely  
to lose a considerable portion of our Sandalwood revenue in the Salem District, as  
well as in all the tracts in the Coimbatore Range.

2. Until very lately, all Sandalwood (whether growing on Puttah land, or  
otherwise,) was reserved to Government, and it was not until Mr. H. S. Thomas,  
the Sub-Collector of Salem, raised the question of whether it was reserved or not, that  
the ryots ever attempted to appropriate it. Government appear to have been under  
the impression, that all Sandal growing on Puttah lands must have been originally  
planted by the holders of the Puttahs; this however is not the case; and I do not  
know of a single instance of a Sandalwood tree ever having been planted; it is always  
bird-sown and generally grows up in the hedge rows, where it finds shade and  
protection when young.

3. It appears to me, that the only plan to ensure our Sandalwood revenue,  
is to make it a Government monopoly, and if the ryot's right to it is to be recog-  
nized, all trees growing on Puttah lands might be taken over at a valuation, or the  
trees might be felled from time to time by our department, and their value paid to  
the owners of the land. If the ryots are allowed to sell their trees to merchants, or  
to enter upon a Sandalwood trade themselves, we have no protection. The Sandal-  
wood is a very small tree, which any one can cut up into billets and carry off in his  
cloth, so that no ordinary amount of supervision would be a safeguard against illicit  
felling over a large extent of country such as the Sandalwood tracts; and every  
ryot, who possesses one or two Sandalwood trees in his hedge rows, will be able to  
carry on a regular trade.

From the Deputy Conservator of Salem and South Arcot Forests, to the Officiating Conservator of  
Forests, dated Camp at Ahtur, 9th October 1866, No. 149.

1. I have the honor, again, to call your attention to the unsatisfactory working of the present  
rules, relating to the felling of Sandalwood.

2. Government in Government Order, No. 966, of 10th May 1865, directed that no hinder-  
ance should be given to parties removing Sandalwood from Puttah lands and hedge rows.

I took the liberty in my letter, No. 214 of 3rd September 1865, of pointing out that this rule  
would, I feared, create constant disputes, and be the cause of great loss to Government. By  
Government Order, No. 2,479 of 13th October 1865, however, no change in the rule was effected,  
and the occurrence, lately, of a case in point, which I am sorry to say fully bears out what I fore-  
saw would happen, induces me again to address you on the subject.

3. I would point out that Sandalwood has always been a royalty in this country, and is still  
in Mysore; that in many, if not most, districts it has always been the custom specially to reserve  
it in the Puttah Namas, a course which has, unfortunately, not been followed in Salem.

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It is a well known fact, that Sandalwood is *never* planted by natives, who do not indeed believe in its ever germinating unless deposited by birds.

It is certainly found very commonly in hedge rows, but these are generally the favorite resort of birds of all sorts, and the young plant finds there that amount of shade which is a necessity for at least two years after the seed has been sown.

I have made careful inquiries, but no native, even when his own interests were at stake, has asserted, for a moment, that the Sandalwood trees, which might be on his Puttah lands, had been sown by himself, or his predecessors; nor did any, until lately, ever dream of considering that wood their own, which had been for centuries considered as the exclusive property of Government, as Lord of the Manor.

4. I would point out that Government would, therefore, do no injustice in retaining the sole right of felling and selling this valuable tree.

5. Were it, however, but a question of allowing the trees, actually growing on Puttah lands, to be removed without let or hinderance, the matter would be of little moment, and might be considered as a simple boon, or gift, to the landholders; but this is not the case.

These Puttah lands are almost invariably surrounded by Government forests and jungles, and Sandalwood trees grow there, as well as in the Puttah land.

How then can we prevent a man felling Government trees, as well as those growing in his own lands?

Sandalwood is easily removed, being of small dimensions, and the extent of country utterly precludes our watching continually every tract, so as to ascertain that Sandalwood is not cut, or cut only on Puttah lands.

Our sole safeguard has hitherto been that no one could remove it, or have it in his possession without detection, as all knew that it was Government property.

Take away this safeguard, and give to every man the right of saying, "I cut this on my Puttah," or, "I bought this from such and such a Puttahdar," and we shall shortly see a marked difference in the yield of our Government Sandalwood forests, and a corresponding loss in revenue to the State.

6. I proceed to state the case I allude to in the commencement of this letter.

An inhabitant of Mudgherry, near Oosoor, hearing of the new order, went to the Sub-Collector, and obtained from him an endorsement, to the effect, that "he might buy Sandalwood to any amount from ryots." Shortly afterwards he applied for a "Rahdare," to pass out a quantity of wood, which, he said, he had bought in a little known part of the district. I had, in the meantime, explained my views on the subject to Mr. Thomas, (the Sub-Collector,) and shown him how prejudicial the new rule was to Government interests.

He, therefore, now referred the man to me. I stated that I would inquire into the case, and shortly proceeded to the spot, taking with me my Overseer, the Kareydar of the village, the Cultivation Inspector, and the receipts given by the ryots to the purchaser of the trees, which merely specified that they had received so much money for so many trees. (I may here state that the average rate paid was "Anna 1 per tree," which shows the amount of profit likely to accrue to the ryot and to the purchaser under the new rule.) I requested that the stump of the trees might be shown to me; and in the first morning, I discovered that seven, at least, had been cut in Government land. By subsequent inspection, I ascertained that, of the whole number of 335 trees bought, not less than fifty or sixty (being one tree in every six) were actually the property of Government. The wood was all prepared and cut into billets, and, as it was utterly impossible to say which was originally Government property, and which had been felled on the Puttah lands, I arrested the whole quantity, amounting, I should say, to about 300 maunds, of the value of at least Rupees 1,000. The purchaser, who had arrived, of course said "it was a mistake," and the ryots said the same, and were virtuously indignant at having been cheated (as they said) into giving the wood, which had been on their Puttah land, at an utterly inadequate price.

7. I thought it better to compromise this case, (being the first which had come to my notice,) by buying the wood, for Government, at our usual rate in Government forests, (Rupee 1 for

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three and half maunds,) which the ryots gladly accepted; and I promised the purchaser, on the faith of his assertion, that "he had had no intention to defraud," that he should be re-imbursed his expenses, and receive a small profit in lieu of the wood which was actually felled on Puttah. To this arrangement he agreed; but, as he has never put in an appearance for his money, I suppose he was not satisfied with the rate of profit fixed, which was Anna 1 per maund, and I have no doubt, thinking himself a most injured individual for being robbed of his profit of several hundred per cent., which he would have realized by getting the ryots to sell what was not theirs at an absurdly low rate (of course I could have sent him to Jail for theft, had I felt inclined to do so.)

8. I have now detailed this case as a sample of what I fear will soon become universal; and although, on this occasion, I was able, by visiting and inspecting the stumps, to save the Government much loss, I cannot do so always, and no establishment which we could keep up would suffice to prevent the same occurring again and again, and the wood being removed with impunity.

9. I trust, therefore, that Government, on your representation, may see fit to rescind, or at least to modify, the rule in question.

Referred to the Board of Revenue for their observations.

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

23rd October 1866.

1. Ordered that the above papers be referred to the Collector of Salem for his remarks.

2. The Board request him to report as to what rights, over Sandalwood trees on private lands, were held to vest in Government, before the Sandalwood in the Salem District was placed under the management of the Forest Department, and whether the Deputy Conservator is right in supposing that in the Salem District, Government formerly claimed an exclusive property in Sandalwood trees when thus found.

3. The Collector will refer the Board to any previous correspondence or orders bearing on the subject, and will state whether land is cultivated to any great extent in the close proximity of the forests in which Sandalwood forms a source of Forest revenue in the Salem District.

4. He will also state whether he considers that any special legislation is necessary for the protection of the rights of Government in the matter.

No. 77. Proceedings of the Board of Revenue, dated 11th July 1867,  
No. 4,328.

Read the following letter from the Collector of Salem, to the Secretary to the Board of Revenue, dated 4th June 1867, No. 143.

1. With reference to the Proceedings of the Board, dated 5th December 1866,

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| <p>1. Prinl. Collr. to Board, dated 16th March 1836, No. 13.</p> <p>2. Board's letter to Govt., dated 28th April 1836, and Ext. Mins. Cons., dated 5th May 1836.</p> <p>3. Prinl. Collr.'s letter, dated 18th May 1836, No. 25.</p> <p>4. Board's letter to Govt., dated 26th May 1836, Ext. Mins. Cons., dated 4th June 1836.</p> <p>5. Prinl. Collr.'s letter, dated 11th March 1837, No. 21.</p> <p>6. Board's Procs., dated 10th April 1837.</p> <p>7. Prinl. Collr.'s letter, dated 25th April 1837, No. 20.</p> <p>8. Board's letter to Prinl. Collr., dated 8th May 1837.</p> <p>9. Prinl. Collr.'s letter to Board, dated 27th Nov. 1837, No. 104.</p> | <p>No. 8,663, requesting me to furnish certain information regarding the felling of Sandalwood in the Salem District, I have the honor to refer the Board to the correspondence noted in the margin.</p> <p>2. The Board will see, from the above correspondence, that they all relate to the Sandalwood growing in Government forests. Over these trees in the forests the Government always exercised a right, and nobody ventured to fell the trees openly.</p> |
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10. Board's Procs., dated 8th Jan. 1838, conveying Ext. Mins. Cons., dated 27th December 1837, No. 1,807.
11. Prinl. Collr.'s letter to Board, 16th Jan. 1838.
12. Board's Procs., dated 29th Jan. 1838.
13. Collr.'s letter to Board, dated 30th June 1854, No. 52, paragraphs 6 and 4.
14. Board's Procs., dated 27th July 1854, para 4.

contrary when the Sandalwood farm was leased out, one of the conditions entered in the Muchilka was that the renter was to enjoy Sandalwood within a certain boundary, trees on private Puttah lands, &c., being excepted. I herewith enclose translation of a Muchilka, executed by one of the renters at the time the Denken-cotta forest was let out, for the Board's information, viz., in Fusly 1256-57.

4. I must admit that the Deputy Conservator's assertions are not borne out by any records that I have as yet come across. It is very probable that years ago Government asserted the right of the Sandalwood monopoly, and that at times some of the trees felled were grown on private lands; but there is nothing that I can find in the public records to show that Government invariably continued to assume the right of felling and selling Sandalwood, no matter whether grown on private lands or in Government forests. The natives did submit, and up to within a year or two ago, to have all Sandalwood grown on their Putcut lands felled as if belonging to Government, imagining that Government had a right thereto. But beyond this silent submission there is nothing to show that Government have reserved the right over this description of tree to itself when giving over any land for cultivation on which Sandalwood might chance to spring up.

5. I have made inquiries as to whether land is cultivated to any great extent in the close proximity of the Sandalwood forests, and I learn that such is not the case. I am fully aware of the difficulty the Forest Department has to contend with. Unless some legal restriction is put on the felling of Sandalwood in private lands, the sales of Sandalwood on behalf of Government will diminish, for private parties will now cut on behalf of themselves, and unless caught in the act of felling in Government forests, the Sandalwood when found in their possession will be invariably said to have been cut on private Putcut or Inam lands.

6. With regard to paragraph 4 of the Proceedings under reply, I have the honor to state that the only way that I can see of securing this branch of revenue is to make it a Government monopoly. I am, therefore, decidedly of opinion that, unless a legislation is passed on the subject, the rights of Government must remain unprotected as they are at present, and the evils complained of by the Forest Department remain unremedied.

7. The vast amount of old records that have had to be gone over has precluded my sending this letter before.

*Translation of a Muchilka.*

Muchilka executed by Strinivassa Chetty, son of Narayana Chetty, residing at Papparapatty, of the Darampurry talook, on account of Sandalwood lease.

The boundaries of the tract in the Alambadi forest of the Denken-cotta talook within which Sandalwood is to be felled are as follow :—

NORTH.—Limits of Kumalapuram.

EAST.—Borders of Melagiri and Rutnagiri.

WEST.—Frontier of Mysore territory.

3. I have carefully gone through the English and Vernacular records of my Office for the last fifty years, and there is nothing to show that Government exercised any right or claim over Sandalwood growing on private lands; on the

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Having taken the lease, I bind myself to fell all Sandalwood grown in forest lands, hills, waste lands of Bavanur and in Trishvaga Agraharums, (all of which are situated within the boundaries above specified,) with the exception of those grown on Putcut and Inam lands, backyards, Darma topes, and Pagoda gardens. The Sandal trees I fell shall be upwards of twenty years' old, three inches in circumference excluding the bark.

The amount of lease is as follows :—

|                       | ES.   | A. | P. |
|-----------------------|-------|----|----|
| For Fusly 1256 ... .. | 1,810 | 0  | 0  |
| " " 1257 ... ..       | 1,810 | 0  | 0  |
|                       | 3,620 | 0  | 0  |

As my Durkhast has been accepted, I bind myself to pay the above sum in the following instalments :—

|                  | Fusly 1256. |    |    | Fusly 1257. |    |    |
|------------------|-------------|----|----|-------------|----|----|
|                  | ES.         | A. | P. | ES.         | A. | P. |
| August ... ..    | 151         | 0  | 0  | 151         | 0  | 0  |
| September ... .. | 151         | 0  | 0  | 151         | 0  | 0  |
| October ... ..   | 151         | 0  | 0  | 151         | 0  | 0  |
| November ... ..  | 151         | 0  | 0  | 151         | 0  | 0  |
| December ... ..  | 151         | 0  | 0  | 151         | 0  | 0  |
| January ... ..   | 151         | 0  | 0  | 151         | 0  | 0  |
| February ... ..  | 151         | 0  | 0  | 151         | 0  | 0  |
| March ... ..     | 151         | 0  | 0  | 151         | 0  | 0  |
| April ... ..     | 151         | 0  | 0  | 151         | 0  | 0  |
| May ... ..       | 151         | 0  | 0  | 151         | 0  | 0  |
| June ... ..      | 150         | 0  | 0  | 150         | 0  | 0  |
| July ... ..      | 150         | 0  | 0  | 150         | 0  | 0  |
|                  | 1,810       | 0  | 0  | 1,810       | 0  | 0  |

I bind myself to abide by the terms of this Muchilka, pay the above sums according to the Sists into the Denken-cotta Talook Treasury, and obtain receipts for the same. In default of my doing so, I shall be liable to such punishment as Government may inflict, and any arrears due by me recovered under the Regulation in force for the time being for the recovery of arrears of revenue.

16th August 1846.

(Signed) STRINIVASSA CHETTY.

(True Translation.)

(Signed) C. N. POCHIN,  
Collector.

1. Submitted to Government, with reference to their Endorsement, dated 23rd October 1866, on letter from Officiating Conservator of Forests, dated 18th idem, No. 2,040.

2. Captain Beddome, the Officiating Conservator of Forests, in a letter to the Secretary to Government in the endorsement referred to, reporting that in the Salem District Sandalwood had been always considered a royalty, but that recently ryots had claimed a right to the trees growing on their Puttah lands, which was likely to be prejudicial to the Sandalwood revenue, suggested that the Sandalwood trade should be converted into a Government monopoly.

3. The letter was referred to the Board, who have been in communication with the Collector on the subject.

4. It is quite possible that many years ago Sandalwood wherever growing may have been considered the exclusive property of the State, as it was very common for the State to monopolize valuable products, especially such as were naturally

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produced. But whatever may have been the case formerly, it is clear from the copy of the Sandalwood lease forwarded by the Collector, that at least twenty years ago the Government in Salem made no such claim, for Sandalwood trees growing in Inam and Puttah lands are expressly excluded from the lease. Where tracts of land were let out on lease, no doubt Sandalwood as well as some other trees were reserved or considered to be reserved; but the same course would now be pursued, and such reservation lends no support to Captain Beddome's theory that sandalwood is and always has been "a Royalty." There can be no question that, as Government have pointed out in Government Orders, Nos. 966, dated 10th May, and 2,479, dated 13th October 1865, the law will not permit any interference on the part of Government with Sandal or other trees growing within the limits of a ryot's Puttah, unless the latter contains some stipulation to this effect; and even if the laws permitted, such interference would be impolitic, as shaking the confidence of the agricultural community in the stability of the titles they receive from Government, and exposing them to much vexatious interference of ill-paid officials under very partial control.

5. As regards Government waste, on which Sandal trees grow in any number, the best course, in the opinion of the Board, would be not to grant the land on Puttah, or to grant it on condition of the trees on it being reserved or of the applicant buying the trees. This is a matter of detail, which should be left to the Collector in communication with the Conservancy Department. The latter will no doubt look after the interests of his department, while the former will take care that improper restrictions are not sought to be imposed on the natural and legitimate spread of cultivation.

6. The Board are altogether opposed to any attempt to create a Sandalwood monopoly, or to claim on behalf of the State a right to such trees when growing, spontaneously or otherwise, on private lands, or the right to regulate the manner in which the owner of them shall deal with his own property. Such an attempt would certainly fail; for however stringent the law might be, evasions could not be prevented without an enormous establishment, and openings would be afforded for oppression and fraud. Captain Beddome and Lieutenant Walker's propositions show what kind of a law would be necessary, and their proposals amount in fact to an attempt to protect the property of the State by pains and penalties.

7. Even were the process simple, the Board see no reason why the State should step in to prevent the people from making a legitimate profit from this natural product and enhancing its cost to the consumer.

8. The Board are of opinion that the proper and indeed only course for the Government is to reserve and protect such of its land as produces this wood; the guiding principle being to reserve only where it is more for the general interest of the country that the tract should be kept in a state of nature to yield this product and its concomitant revenue than be added to the cultivated area.

No. 78.

ORDER THEREON, 5th August 1867, No. 1,797.

Forests, No. 2.

1. Communicated to the Conservator of Forests, with reference to Captain Beddome's letter of 18th October 1866.

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2. The Government concur with the Board.

3. They have repeatedly stated that they will not permit any interference with Puttah rights, the due maintenance of which is a matter of far more importance than the item of Forest revenue derived from Sandalwood, and the Forest Department must accept this decision.

(True Extract.)

(Signed) W. HUDLESTON,

*Secretary to Government.*

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

Exd. F. R. Bantleman.

W. 1797 1/2

Committed to the favor  
of Dr. J. R. & J. R.  
Capt. Belidun's letter  
of 18 Feb. 1808.

The Govt. concurs  
with the Dr. J. R.  
They have reported

stated that they will not permit  
any interference with the  
right. The due maintenance  
of Dr. is a matter of far more  
importance than the item of  
Dr. & Dr. derived from  
Sandalwood. and the Govt.  
must accept this  
decision.

J

W. 1797

14 Copies to the Govt. of the Dr. & Dr. 1808  
14 ——— Dr. of the Dr. 1808

L. R.

50 Aug 1807

Pro. 5. May 1886. 115-6.  
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Collect for  
Salem  
16-5-95

Per. 1867. Department.  
No of Cont. for Augt.  
No. 1833.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 11th July 1867.  
J. P. 16-80  
Per. 17-80

No. 4,328.

Submitting with remarks letter from Collec-  
tor of Salem furnishing information on felling  
of Sandal wood in district.

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