

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2357	Press
		~~Mis~~
<u>257.58.</u>		
Dated	17 th August	1887.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
17th August 1869.*

No. 257. Read the following Proceedings of the Board of Revenue, dated 17th July 1869, No. 5,099 :—

Read again Board's Proceedings, dated 17th March 1869, No. 1,843.
Read also the following letter from the Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Poothalpat, 29th April 1869, No. 116.

In paragraph 8 of their Proceedings of the 17th March last, No. 1,843, the Board ask for my opinion on the proposal of the Officiating Conservator of Forests to double the rates of seigniorage on timber worked-up in the jungles.

2. I have canvassed the opinion of some experienced persons in the Chendragherry Talook, in which lie the largest forest tracts under the conservancy of the Revenue Department, and agree with them in thinking that "worked-up" timber will not bear a double rate of seigniorage.

3. All my inquiries go to show, that taking into account the difficulty of access, $1\frac{1}{2}$ cart-load of rough timber will, if worked-up, only fill an average sized bandy. I would not therefore recommend that more than a $1\frac{1}{2}$ rate of seigniorage should be charged on wrought timber.

4. The working-up of timber in the forest must always be attended with more or less risk to health, and with considerable additional expense; and a double rate of seigniorage would be a burdensome tax on this class of operations.

5. Timber not specified in the Conservancy rules is charged one Rupee per cart-load as jungle-wood. Under this head are included the trees called "Yelama" and "Kondachiguru" which grow to a large size, and are much used as material for house building. I would propose to transfer these to the class of timber paying a rate of Rupees 2 per cart-load, and to charge that quantity Rupees 3 if worked-up in the jungle.

Beyond these two changes, I would not recommend any other modification of the rates and rules under which forest operations are now conducted.

RESOLVED that the foregoing papers be submitted for the consideration and orders of Government.

2. In their Proceedings, dated 13th May 1868, No. 3,528, the Board called upon the Collector of North Arcot to report what arrangements were in force for realising revenue from the timber in the jungles of the district, and what check was imposed upon felling trees.

3. In a letter, dated 29th October 1868, No. 369, (embodied in the Board's Proceedings, recorded above,) Mr. VansAgnew, then Acting Collector, while replying to the Board's Proceedings of 13th May 1868, also forwarded a correspondence between himself and Major Beddome, Officiating Conservator of Forests on the subject, from which it appeared that according to the seigniorage lists framed by Major Beddome and Dr. Cleghorn, timber worked up in the forests is charged double the seigniorage on timber brought out in the rough.

4. The Board in paragraph 8 of their Proceedings of 17th March 1869 stated that they saw no objection to the adoption of this system, but they desired Mr. Robinson's opinion on the subject.

*Proceedings of the Madras Government, Revenue Department,
17th August 1869.*

5. This he has now forwarded in his letter of 29th April, and reports that the relative proportion between sawn and rough timber is not more than one cart-load-and-a-half of the latter to one cart-load of the former; and he proposes to charge half as much again on wrought timber as on rough.

6. He also proposes to transfer two kinds of timber known as "Yelama" and "Kondachiguru" (now passed as jungle-wood) to the class of timber now charged at Rupees 2 per cart-load.

7. The Board support both recommendations.

No. 258. ORDER THEREON, 17th August 1869, No. 2,357.

Forests, No. 17.

THE Right Honourable the Governor
in Council desires to have Major Bed-
dome's opinion on the Collector Mr.

Robinson's proposals before passing orders on the Board's Proceedings.

2. Any alteration in the rate of seigniorage of wrought timber, as compared with unwrought, should be of general application throughout the Presidency.

(True Extract.)

(Signed) R. S. ELLIS,
Chief Secretary.

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

PROCEEDINGS OF THE BOARD OF REVENUE, dated 13th May 1868.

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to the Secretary to the Board of Revenue, dated Chittoor, 18th December 1867, No. 345:—

1. In the papers noted in the margin, which relate to the question of the supply of timber and fuel for local and general purposes, the conclusion arrived at is that belts of the better preserved and more accessible jungle should be set apart as reserves, and protected under such arrangement as may be found most practicable and economical against the inroads of cattle ravages, of fire, &c., &c.

2. The object proposed in setting apart such reserves is twofold:—

- First*.—To promote spontaneous vegetation; and
Secondly.—To regulate cutting by a system of rotation which would secure them from gradual exhaustion.

3. A personal experience of years has long convinced me that this is the only direction which an experiment of this kind can take with chance of success in districts like this, where the conditions of climate and soil are unfavourable to the growth of the larger timber.

4. When settling the talook of Chendragherry in the earlier part of the year, I took the opportunity of inspecting some tracts of forest with which I was previously acquainted.

5. The jungles which then came under observation are those named in the margin. They are the most valuable Forest tracts remaining north of the Palar river, and situated as they are within reach of the North-West Line of Railway, and accessible to carts, it is here that a reserve should be formed for this part of the district. These reserves are all the more valuable, as they

are within easy reach of the large and wealthy town of Tirpathi.

6. There are, in these Forest tracts, large quantities of fairly sized timber of the more valuable varieties, (list enclosed,) and much young wood which only requires to be protected against indiscriminate cutting, and injury from cattle and fire, to develop into fine timber trees.

7. In these the Red Saunders (*Pterocarpus santalinus*) is indigenous, and although all the old wood has disappeared for the purpose of being carved into images, for which there is a large sale in Tirpathi, there is a plentiful supply of young trees, and the means of promoting the propagation of the tree to any extent. Situated within vallies traversed by mountain-torrents, which debouch on the plains through narrow outlets, by which they are alone accessible, these Forest tracts admit of an economical and effective conservancy. They were, until March of the present year, under ordinary village conservancy; but if they are to be appropriated as timber and fuel reserves, as I strongly recommend by way of experiment, they would require to be placed under closer surveillance than is now practicable under that system.

8. Convinced that this object might be more fully attained by introducing certain improvements into the existing system of management, than by placing them (at least for the present) under the control of the Forest Department, I thought I might venture, on my own responsibility, to promise to the Mouezgar rangers in charge of those two Forest tracts a commission of twenty per cent. on the proceeds, instead of ten per cent. as now allowed, on condition that their staff of gillies, or watchers, was augmented to such extent as would bring these belts of jungle under complete surveillance.

9. Arrangements were accordingly made, and the result of the second quarter has been that depredation, particularly on the Cuddapah side of the frontier, has been repressed, as evinced by several successful criminal prosecutions, and the income at the same time has arisen from Rupees 677, realized during the corresponding period of the previous year, to Rupees 985 for the time my experimental arrangements have been in force.

Govt. of 118691

REVENUE.

THE CHIEF CLERK

OF FORESTS.

Chittoor.

18th Decr. 1867.

G. O. 17th August 1868, No. 237.

From 24th Aug 1869 to 29th.

AUGUST.

Nos. 257-259.

From the Board of Revenue, North Arcot, to the Secretary to the Board of Revenue, Chittoor, 18th Decr. 1867, No. 345.

10. Had these jungle-tracts been placed under departmental management, they could only have formed an outlying charge, and the danger of corruption in a small and inefficiently controlled stipendiary establishment would be infinitely greater, than it would be if they were left in charge of rangers selected from the Monigars, who now receive commission on their proceeds.

11. Besides the incentive which men thus selected have in preserving what are sources of income to themselves, and their families after them, there are perquisites in the shape of honey bees-wax, gallnuts, and other such petty produce, which confer a large additional value on the trust thus committed to them.

12. We possess, too, a further guarantee of fidelity in the power of removing such ex-officio rangers from hereditary office, should they lend themselves to dishonest practices, or otherwise prove unfaithful to their trusts. Thus, with individual interests, and the dread of removal from village office to work upon, the Revenue authorities have a guarantee for the fidelity of these men, which no ordinary departmental agency can pretend to.

13. My proposition now is, that the Board permit me to redeem my pledge in respect of these two Forest tracts, by authorizing me to pay commission at the rate of twenty, instead of ten per cent. on the proceeds, and that the belts thus taken up as experimental reserves remain under the management of the two or three Monigars among whom they have been apportioned, on the condition that they provide, at their own charges, such a staff of gillies as may be required for their patrol and conservation.

14. The Monigars whom I have selected have a good knowledge of Forestry, are familiar with the country, and have in the Yanadies, whom they keep for the purpose of collecting bees-wax and other small produce, a staff of trained gillies, with whom no paid agency can compare.

15. Personally acquainted as I am with the present condition and further capabilities of these jungles, I should be able, in a year or two, to state, with confidence, the results of the experiment. These arrangements are instalments of a further extension of a system based on like principles, and I am in a position to place before the Board a scheme of experimental reserves for all parts of the district, where the existing state of the jungle, and the proximity to towns and railroads, would be likely to insure successful results.

ENCLOSURE No. 1.—List.

1. The Board sanction, as an experimental measure, the Collector's proposal to place the two Forest tracts in question, in the Chendragherry talook, under the management of the Monigars, who will receive a commission of twenty per cent. on their collections, on the condition that they maintain a proper staff of watchers for the efficient conservation of the jungles.

2. The Collector will report under what arrangements the existing revenue is realized, and what check is imposed on felling in these tracts.

3. The Collector should proceed with the selection of reserves in other parts of the district, taking care that the prescriptive privileges of the people are not in any way infringed.

(A true Copy and Extract.)

(Signed) A. MacGREGOR,
Acting Secretary.

To the Acting Collector of North Arcot.

Ed. J. Wright.

No. 1,843.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 17th March 1869.

Read the following letter from G. VANSAGNEW, Esq., Acting Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Chittoor, 29th October 1868, No. 369:—

In acknowledging the receipt of the Proceedings of the Board, dated 13th May last, No. 3,528, passed upon Mr. Robinson's letter of the 18th December, No. 345, I have the honor to refer the Board to Mr. Robinson's subsequent letter of the 26th February, No. 54, for the information they require, submitting, at the same time, a copy of the rules framed and published by that gentleman.

2. I take this opportunity to transmit copies of correspondence* that has passed between the Acting Conservator of Forests and myself on the subject of the rates of seigniorage and the Forest Rules generally. The Board will

* To Conservator of Forests, 1st Aug. 1868, No. 163.
From do. 6th do. .. 563.

observe that, whereas by certain rules, published in the *Gazette* of this district in 1863, certain specified woods were charged rates of seigniorage varying from two to six Rupees per cart-load when in the rough, and the same were indiscriminately subjected to a seigniorage of Rupees eight per cart-load when worked-up or smoothed; and that all "Jungle-wood," or wood not specified as abovementioned, was charged one Rupee per bandy-load, without specification as to whether it be rough or smooth, and without provision for any enhanced seigniorage whether it be smoothed; the Acting Conservator asks for my authority to cancel the above 8-Rupee rate, and to substitute therefor rates for smoothed wood, double each of the respective varying rates for rough woods of the specified kinds; and further asks my consent to cancel the present uniform rate of one Rupee for jungle-wood, rough and smooth, and to substitute different rates of one Rupee for it rough, and two Rupees for it when smoothed.

3. In reply to my query the Acting Conservator informs me that the rules received the sanction of Government, and that "the seigniorage lists were framed generally by Dr. Cleghorn and himself in consultation with Collectors and the Board."

4. Now the first of these rules declares any person acting in breach or disregard of them to be liable to criminal prosecution. I am very certain that there is no power vested in me, nor in Captain Boddome, nor in the Board, to make or alter rules and rates upon which such grave consequences depend; and I must confess I am very sceptical as to the authority of the Government, unsupported by any legal enactment, to prescribe rules for what are arbitrarily termed Government jungles and forests, and to declare that breach or disregard of these rules shall be treated as theft, mischief, or trespass, by the Magistracy subject to their authority, without a previous clear and definite settlement as to what are the respective rights of the Government and the public in each and every jungle and forest under their jurisdiction.

5. In paragraph 40 of their Proceedings of the 17th June last, the Board have themselves pointed to the necessity of there being a "definite settlement" of any "doubt" there may be, "as to Government being really the proprietor of any forest;" and that there is such doubt with reference to most of the forests in the Presidency, it is only necessary to quote the Board's admission in paragraph 34, that "until quite recently, except in the Anamallays and a few other localities, the people were free to cut what wood they pleased; to graze their cattle; and to exercise common rights without let or hindrance."

6. The Board certainly immediately proceed to contemplate "these rights being withdrawn;" but they do not indicate by what lawful authority this withdrawal of admitted rights is to be effected.

7. Holding the entire present system of what is called forest conservancy to be illegal in respect to the large majority of old forests and jungles, I am not prepared to take any part in imposing, as requested by Captain Boddome, enhanced rates of seigniorage on the people, without express orders to that effect.

8. But this is a minor consideration. My chief object in addressing the Board is, to endeavour to induce them to bring prominently to the notice of the Government the anomalous position

occupied by Collectors, Tahsildars, and Deputy Tahsildars, in their capacity as Magistrates, in respect to this question. In their executive capacity, they have received from the Government, in the shape of these Forest Conservancy Rules, the broadest possible hint regarding the exercise of their judicial powers in a matter of most doubtful legality, to say the least of it. I have no doubt that convictions have been made by Sub-Magistrates under the influence of this hint, although they were conscious that the legality of their proceedings was most questionable.

9. It will probably be sufficient to bring this subject to the notice of the Government, to induce them to lose no time in issuing definite instructions for the guidance of the Magistracy, the strict legality of whose proceedings is of so much moment in their eyes.

10. It might happen that the High Court might fix on one of these doubtful convictions, declare it to be illegal, and hand the Magistrate up to Government for condign punishment.

ENCLOSURE No. 1.

From G. VANSAGNEW, Esq., Acting Collector of North Arcot, to the Officiating Conservator of Forests, dated Chittoor, 1st August 1868, No. 168.

I HAVE the honor to forward a letter* addressed to me by Mr. Yarde, Assistant Conservator of Forests in this district, together with its enclosures.

* No. 78 of 6th July, to be returned.

2. In this letter Mr. Yarde states that "the seigniorage list of timber of North Arcot is not very clear. No excess charge has been fixed upon jungle-wood in its 'worked-up' state, and besides, the excess charges fixed upon high-rated timber are irregular;" and he adverts to an endorsement pencilled by you on one of the enclosures to his letter which runs thus: "Forwarded to Mr. Yarde for settlement, in communication with the Collector. Timbers worked-up should pay double the tax they pay in the rough. So jungle timber, paying one Rupee in the rough, should be charged two Rupees worked-up, and timbers paying four and five in the rough, should pay eight and ten, worked-up." Finally, Mr. Yarde asks me whether he can "charge accordingly."

3. The printed rules, I observe, assigned by Mr. Yarde, and are headed by an intimation of their publication under your instructions. On the face of them there is no reference to the Collector. Before committing myself to a reply to Mr. Yarde's question, I should, therefore, wish to be informed, from your point of view, precisely what authority these rules have, and whether my sanction to, or interdiction of, the proposed alterations therein would be entitled to substantive weight, such as would render liable to criminal proceedings any person who might commit a breach of any rule so modified under my authority.

4. I would be glad to be informed, moreover, whether the general "Rules for the conservancy of the forests in the Madras Presidency," also published in this *District Gazette*, under your signature on the 31st October 1863, rest upon any authority superior to your own; ordinarily the prescription of rules, the breach or disregard of which is declared to be a criminal offence, has the sanction of a legislative enactment. It may be urged that to enter, or in any way to interfere with what are called in Rule I., "Government jungles and forests" would, in the absence of rules equally constitute a criminal offence; but those who enunciate this doctrine lose sight of the fact, now I think generally conceded, that the public have ever claimed, and, until lately, undisturbedly enjoyed prescriptive rights in the forests, of which the Government has now seized the monopoly.

5. I make these remarks, because I entertain grave doubt whether interference on the part of the public with this questionable monopoly, which the Government have created for themselves without any express legal sanction, does, in fact, amount to any offence known to our criminal law. I believe the Magistracy generally share this doubt, and that it is the occasion of what I dare say frequently appears to you to be the unsatisfactory issue of charges preferred for breach of your rules. I should be glad to have the advantage of considering your view of the question, which I would put thus: Is the right to monopolise forests, which is claimed and arbitrarily and forcibly exercised by the Government without express legal sanction, of so unquestionable a character as to justify the Magistracy in treating invasions thereof by the public as criminal offences?

6. In the case referred to in one of the enclosures to Mr. Yarde's letter, it appears that "Mischief" was charged. As the circumstances cannot possibly constitute the offence of "Mischief," there is no cause to regret that the case was thrown out.

(True Copy.)

(Signed) G. VANSAGNEW,
Acting Collector.

ENCLOSURE No. 2.

From Major R. H. BEDDOME, Officiating Conservator of Forests, to the Acting Collector of North Arcot, dated Camp at Outacumund, 6th August 1868, No. 863.

In returning the accompanying documents, forwarded with your letter, No. 168, of the 1st instant, I have the honor to inform you that the Forest Rules were drawn up by Dr. Cleghorn, Mr. Sim, as Secretary to Government, and myself; all Collectors were consulted, and the rules received the sanction of Government. The right of Government to the forests of our Presidency has never been disputed; but they accede to ryots the right to cut timber free for agricultural purposes, etc. Government are opposed to a Forest Act, as the Penal Code has been found quite sufficient to meet all requirements, and no Act would enable Government to declare anything their property which is not theirs by right already. Long before our department was organised in 1856, most forest tracts were under Collectors; seigniorage on timber was charged or supposed to be charged; and parties were constantly punished for felling timber without permission. It could, in fact, be proved that Government have exercised certain rights in the forests ever since the country became British territory, clearly proving that they are legally entitled to make laws for the better conservancy of their forests.

2. The seigniorage lists were framed generally by Dr. Cleghorn and myself in consultation with Collectors and the Board; but all minor particulars were settled by our District Officers in consultation with the Collector of their districts. Timber worked-up in the forests is charged in all our districts double seigniorage to timber brought out in the rough. By some mistake Mr. Yarde has got a rule in force that all the reserved timbers pay Rupees eight if worked-up, whether their charge in the rough is Rupees two or Rupees six, and there is no rule by which jungle timbers pay anything extra for being brought out worked-up: this should certainly be altered, and I shall be obliged if you will sanction the alteration, and have the rule printed in the *Gazette*. It should run thus: "All timbers brought out of the forest worked-up, pay double the seigniorage that is charged for the same wood in a rough state."

(True Copy.)

(Signed) G. VANSAGNEW,
Acting Collector.

ENCLOSURE No. 3.—Rules.

In this letter the Acting Collector, in reply to paragraph 2 of the Proceedings of the Board, dated 13th May 1868, No. 3,528, referred to the Collector's letter, dated 26th February.

2. The Board observe that it was therein stated that the forest restrictions, as now administered, do not interfere with village rights.

3. In the present communication Mr. Agnew further enters on the general question of forest conservancy in this Presidency, and forwards a correspondence, which has passed between him and the Conservator of Forests, on the subject.

4. The Board have already, in their Proceedings, dated 16th April 1868, No. 2,777, fully discussed the question.

5. They pointed out therein that no forest land could be placed within the scope of the Forest Act, unless absolutely the property of Government and free from private rights of every kind, Section 2 especially protecting existing rights: and that for offences in such forests, the Penal Code already provided amply under the heads of "Mischief," "Trespass," and "Theft."

6. They need, therefore, only remark here that Mr. Agnew is under a misapprehension as to the Conservancy Rules, which prescribe the conditions on which timber may be felled in *Government forests*, and warn persons contravening such rules that they will be prosecuted criminally for whatever offence their act may, under the circumstances, amount to.

7. The question of whether the accused possesses rights which exculpate him from the charge is one of fact which the Court has to decide.

8. With reference to Major Beddome's proposal to double the rate of seigniorage on worked timber, the Board see no objection to thus equalising the rates. It is observed that the rules provide a uniform addition of two Rupees to the rates for rough timber. They wish, however, to have Mr. Robinson's opinion on this proposal.

9. It seems desirable that the amended rules should be re-printed in a more distinct shape.

10. Teak and Red Saunders are entered under the head of "timber, on which seigniorage is to be charged," with a note that cutting them is forbidden, and do not appear in the list of woods which are not to be cut without express orders.

(True Copies and Extract.)

(Signed) A. MACGREGOR,
Acting Secretary.

To the Collector of North Arcot.

Copy to the Acting Collector of Cuddapah.

Ed. F. R. Bantleman.

Forest Conservancy—In Madras Presidency,—
Collector of North Arcot informed, with reference to Acting Collector's remarks on subject of that Board have already fully discussed the question in their Proceedings 16th April 1868, No. 2777, and requested to give his opinion on proposal of Conservator of Forests to double rate of seigniorage on worked timber.

MARCH
No. 1,843.

PROCEEDINGS, 17TH MARCH 1869, No. 1,843.

Encl.

BOARD OF REVENUE,
MADRAS.

1869.

Recd. in the Office of the Acting Secy to the Govt of Madras on 17th July 1869.

ceding to the

Rev^d 1869. Sept.
Board of Revenue,
MADRAS.

No. 2467

PROCEEDINGS, 17TH JULY 1869, No. 5,099.

Recd. 22nd July 1869
Received 23rd July 1869 Encl.

JULY.
No. 5,099.

Seigniorage on wrought timber.—Letter from Collector of North Arcot stating that rate of, should be half as much again as that charged on rough timber, and proposing to transfer two kinds of timber known as "Yelama" and "Kon-dachiguru," and charged seigniorage at one Rupee a Cart-load as jungle wood, to class of timber paying 2 Rupees per cart load, and to levy 3 Rupees on them when worked up in jungles, submitted for orders of Government.

Sent. 23rd July 1869

11th Aug 1869. R. 14th Aug 1869

257.

W-2357.
 Proceedings of the Madras Port P.H.
 Under date the 17th Aug 1869
 Read the following
 Pro^o of the P^o of Revenue
 d^o 17th July 1869, at 5099

The P^o H^o the Gov^t
 is in civil desire to
 have Major Beddome's
 opinion ^{the collector} on ^{the} Robinson's
 proposals before passing
 orders on the Board's
 Proceedings.

W.H.

S.

Any alteration in the
 rate of carriage of wrought
 timber as compared with
 un-wrought should be of
 general application
 throughout the Presidency

W.H.

13 Letter off^r Gen^l of Forests, Dec^r 28th
 14 — Off^r of Rev^l — 3

No 1,812.	Encl	Residency, — with refer- ence subject of the ques- tion, No. opinion on to double
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