M.R.O 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1166 Press ~~Mis.~~

620-621

Dated 29 & April ~~19~~ 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
29th April 1869.

No. 620. Read the following Proceedings of the Board of Revenue, dated 23rd April 1869 :—

Read the following letter from the Collector of Salem, to the Acting Secretary to the Board of Revenue, dated on circuit at Sunkerydoorg, 12th April 1869, No. 73.

In paragraph 4 of my letter, No. 287, of the 22nd December last, on the subject of the suit against Lieutenant Walker, of the Forest Department, I stated that I shall endeavour to compromise that part of the Suit which relates to damages, and report the result to the Board.

2. I have hitherto been unable to see the plaintiff, as he was engaged in a Civil Suit at the High Court at Madras. He returned the other day, and I saw him on Saturday last, and, after much difficulty, arranged with him that he should withdraw the Suit in consideration of 400 Rupees as the loss sustained by him by the interference of the Deputy Conservator, together with the Court cost which amount to about Rupees 150.

3. The plaintiff has, in his plaint, set down his loss at Rupees 1,100. The orders of Lieutenant Walker, which forbade any cutting in either Peria or Chinna Kulroyen, have been filed by the plaintiff. I am quite satisfied myself, that had the Suit continued as far as his (Lieutenant Walker's) acts, out of which the damages arose, were concerned, he would have been cast. Perhaps, the Court would not have put the damages at 1,100, the amount claimed; but I think it very probable that more than half would have been awarded to plaintiff, from what I have been able to make out from his annual receipts, since his lease of the Jaghire began five years ago.

4. The Board are aware that Mr. Walker's defence is simply *nil*. He cannot deny, at the final hearing, that he did stop the plaintiff, by order, from exercising his right to cut timber on the Kulroyens (Peria and Chinna Kulroyens) themselves. Had he confined his orders to the slopes alone, the matter would have been different. As it stands, I see no hope of success at all, and I beg, therefore, that permission may be given to compromise the Suit by paying the plaintiff the sum of Rupees 400 as his loss, together with the Court costs.

5. The arrangement I propose is the more necessary, as I have been able, after much difficulty, and one whole morning's argument with the plaintiff, to buy up his lease of the Peria Kulroyen, which has seventeen years to run, at very reasonable terms, which will be reported in a separate communication.

6. The time fixed for the final hearing of the Suit is the 14th instant; but both myself and the plaintiff have applied to the Court for further time, which has been granted to the 7th proximo. I shall feel obliged for early orders in the matter. As I have given the plaintiff fully to understand that the Suit will be compromised on the above terms, and *have* entered into agreement with him as to his making over his seventeen years' lease to Government, I trust that the Board will be pleased to accord their approval of my proceedings.

7. I have also had the Puttahdar of Peria Kulroyen before me, and have taken a proper Deed of Conveyance, leasing out permanently to Government his entire Jaghire of the Peria Kulroyen for the annual rent of 1,500 Rupees. I will write on this subject separately.

Proceedings of the Madras Government, Revenue Department, 29*th April* 1869.

In this letter the Collector reports that he has arranged with the contractor of the Kulroyen jungles to withdraw his Suit on payment of a sum of 400 Rupees and 150 costs.

2. He states the contractor is in possession of orders from Lieutenant Walker, forbidding any cutting on either Peria or Chinna Kulroyen.

3. The damages were laid at 1,100 Rupees, and the Collector is of opinion that the Court would have awarded more than half. Under the circumstances stated, the Board recommend Government to approve the course taken by the Collector.

4. It is presumed the money will be provided from the Forest Budget.

5. In paragraph 29 of this letter of the 25th October 1867, the Deputy Conservator stated that he had ordered the contractor not to issue Permits, but said nothing as to a prohibition to fell.

6. The Board await the Collector's further report on the subject of buying up the contractor's lease.

No. 621.

ORDER THEREON, 29th April 1869, No. 1,166.

Forests, No. 14.

UNDER all the circumstances of the case, as now placed before him, the Right Honorable the Governor in Council agrees with the Board of Revenue in considering that the Suit should be compromised. The Collector's proceedings are accordingly approved and sanctioned. The amount to be paid to the plaintiff will be provided in the Forest Department.

2. The Acting Conservator, Major Beddome, should warn Lieutenant Walker against the indiscreet issue of orders relative to tracts over which the departmental control is not clearly acknowledged. Lieutenant Walker will probably have greater difficulties to contend with in Madura than those he has met with in the Salem District.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, the Officiating Conservator of Forests.
,, the Accountant-General.

Exd. F. R. Bantleman.

14 Dun/67 - No - 260/67
14 Cuddy/68 - 213 - 214
14 Do — 217 - 218
28 — — 456 - 57
29 Attur — 452/55
11 Namakal — 155/56
9 Salem /69 — 128/30
18 — — 313-314
22 — — 411-412
22 Rasipuram — 571-572

Perunne 1869 Oct 1st
Pl. No 1833
Proceedings of Collr
Board of Revenue

Dated 23rd April 1869
Recd 28th "
Read 26th "
Encl
No

Sent: 1166. 29 April 69

Suit - Killiyur Jungle Contractor
vs Contractor. Of Kiloryen
Jungle - Letter from Collr
reporting that Contractor
has consented to withdraw
in consideration of Rs 4,000 as
loss sustained by him and
Rs 150, Court Costs, all
which Collr recommends.

620.

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c. &c., &c.

Dated April, 29th.

Recd.

Read.

G. O, 29th April 1869, No 1,166.

APRIL.

Nos. 620-621.

From Offg Conservator of Forests
B/2y 1 May/69 C.No. 822

Kiloryen Jungle Contractor's Suit in Salem District.—Passing orders on the subject of effecting a compromise.

B-1166- Rev: Dept

Pro: of the Madras Govt
Under date the 29th Sept 69.

Read the following Pro.
of the Bd of Rev:-
N.E. 23d April 69 ult.

Under all the circumstances of the case, as now placed before him, the Hon'ble the Govr in Council agrees with the Board of Revenue in considering that the suit should be compromised. The Collr's proceedings are accordingly approved and sanctioned. The amount to be paid to the Pff will be provided in the Forest Dept

2 1 [illegible]

The agt conservator of Coimbatore, should be warned against the undue assumption of powers relative to trees over which the Govt control was not clearly acknowledged & the Collector will issue orders

dispatches be enclosed with
in Madura amongst the undersubscribed
letters—Marsdens of these parts, then
there he has not—with in the Salem
Herald.

Wm

N.

14 Copies To Mr Bd of Revenue Dept 30
13 — " Offg Conservator of Forests
6 — " Asstt Surgeon

50

4

Marshall