

*Proceedings of the Madras Government, Revenue Department,
19th July 1871.*

No. 237. Read the following letter from the Conservator of Forests, to the Acting Secretary to Government, Revenue Department, dated Chengaum, 2nd July 1871, No. 366 :—

- In forwarding the correspondence as per margin I have the honour to inform you that some time since the Collector of South Canara (Mr. Thomas) applied to me to refund the sum of Rs. 1,071 to a Catechu Contractor on account of a supposed loss sustained by him from a small tract of jungle having been handed over to Bombay.
1. Letter from the Assistant Conservator of South Canara, to the Conservator, No. 194, dated 17th June 1871.
 2. Letter from the Collector of South Canara, to the Assistant Conservator of the district, No. 417, dated 31st March.
 3. Letter from the Acting Collector of South Canara, to the Assistant Conservator of the district, No. 783, dated 12th June 1871.
 4. Copy of a letter from the Acting Head Assistant of South Canara, to the Collector, No. 101, dated 12th July.

2. Upon further inquiry it appears that the jungle in question was only made over to Bombay a few days before the contract expired, and that the contractor was never prohibited from felling in it. The Acting Collector Mr. Webster states that the contractor has been put to no loss, but as it is possible that his sub-contractors may have been under the impression that they could not fell in the tract in question, he applies for a refund to the contractor of Rs. 162-0-3. It will be seen by the Acting Collector's letter that this sum is equivalent to the whole year's rental of the small tract in question, and that when it was handed over to Bombay there were only a few days of the contract to run; it also appears to me that if a loss is to accrue to the revenue from the transfer, it should be borne by Bombay. I request the orders of Government on the subject.

No. 238. ORDER THEREON, 19th July 1871, No. 1,255.

Forests, No. 6.

On the 15th March 1864 Dagappa Chetty purchased, at public auction for Rs. 6,000, the right of cutting Catechu trees in a certain tract in South Canara until the expiration of the year 1868. His present claim has reference to a portion of this tract known as the "Gorte Gudde" jungle, which, when the lease was sold, contained 1,208 trees; the aggregate number of trees growing on the whole tract leased being estimated at 44,736. It seems that in 1865 and subsequently the question of transferring the "Gorte Gudde" jungle to North Canara was mooted, but this measure was not actually carried out until the 7th December 1868, or a few days before Dagappa Chetty's lease expired; nor was the lessee at any time, either before or even subsequently to the transfer, prohibited (so far as can be ascertained) from felling. He therefore has no claim whatever to compensation, and the Government must decline to sanction any payment to him.

2. The Collector will call upon the Tahsildar, who is referred to in paragraph 2 of Mr. Sturrock's letter, to state why and by what method of calculation he suggested Rs. 1,071 as fair compensation for Dagappa Chetty, and also to explain his

*Proceedings of the Madras Government, Revenue Department,
19th July 1871.*

long delay in reporting on the petition received from the lessee. The Tahsildar's explanation on these points should be forwarded to Government.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

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

No 417. ^{W. J. M.}
2-4-70

Collector's Office
Mangalore, 3rd March 1870
From H. S. Thomas Esq.
Collector of South Canara.
To H. S. Winter Esq.
Assistant Commissioner of South Canara.

Sir,
I have the honor to forward herewith
a petition dated 13th January 1870, presented
by Bander Bahu Khan in behalf of Gappa
Shetty of Godebare, Chikchi, Centre
of the villages of Godebare & Chikchi
Mundapur Taluk.

1. The Petitioner claims compensation
for the loss sustained by him in account
the transfer of the jungle named Godebare
to Bombay when South Canara was made
over to that Presidency.

2. The jungle has been identified &
an estimate of the loss has been
ascertained. The loss to Petitioner was
estimated to amount to Rs 1071.

3. I have therefore the honor to request
you will be so good as to procure the
 requisite sanction for the refund of the
 amount to Petitioner.

I have the honor to be,
Sir,
Your obedient servant,
H. S. Thomas
Collector

now a Tahildar in the Bellary District, that he did not order Dugappa Shetty to abstain from cutting catechu trees in the jungle. Dugappa Shetty when called upon to produce evidence of any order on the subject having been given to him, has failed to do so.

3. You will observe moreover that the jungle was only formally made over to North Kanara in December 1868, when the boundary between the two Districts was rectified, and a few days only before Dugappa Shetty's contract expired.

4. Mr. Thomas appears therefore to have been misinformed when in the 2nd para of his letter to your predecessor dated 31st March 1870, No 417 (herewith returned), he stated that the law occurred on account of the transfer of the jungle to Bombay when North Kanara was made over to that Presidency.

5. You will observe also that Dugappa Shetty has actually sustained no loss whatever, as the jungle alluded to was subrented, and he has received the full amount of rent from the tenant, on whose behalf however he now alleges that the application for compensation is made.

6. It appears that when a dispute occurred in 1865 between the contractors of North and South Kanara regarding the right to fell trees in some jungles (of which however Gorte Gudde was not one), the Assistant Collector of the two Districts and the Tahildars of the frontier Taluks met to fix a new boundary line between the Districts and that Gorte Gudde was one of the jungles which was recommended to be transferred to North Kanara. Although the jungle was not actually transferred

transferred until ^{1st} December 1868, and although no orders are proved to have been given forbidding Dugappa Shetty from cutting catechu in it, it may be that he was under the impression that he was not at liberty to fell catechu trees, and I am of opinion therefore that although he cannot legally claim compensation, some remission of the amount of the contract money paid by him may be granted.

7. Owing to the catechu jungles having been sold in one lot, it is impossible to ascertain the amount that was actually paid for Gorte Gudde. The total number of trees estimated as growing in the different jungles when the contract was sold was 44,736, and not 89,109 as stated by Mr. Sturrock. In this estimate Gorte Gudde was entered

as containing 1,208 trees, and I am of opinion, ~ ~ that the only correct manner of estimating Dugappa Shetty's loss, is by taking the proportionate value of the trees sold. The contract for the 44,736 trees was sold for Rupees 6,000, and the value of the 1,208 trees would therefore be Rupees 162-1-3.

8. Although Dugappa Shetty has actually sustained no loss, as he has received the full amount of the contract money from the Sub-Contractor, and has filed a suit for the recovery of some money advanced to the Subcontractor for the working of the Gorte Gudde and other jungles rented to him, and although he cannot legally claim compensation from Government, I think that in resisting extortionate claims we should allow

allow him a proportionate deduction from the amount of his contract, and have therefore the honor to request that you will make arrangements for paying him the amount indicated in the preceding para of this letter.

I have the honor to be,

Sir,

Your most obedt. Servant.

M. J. M. M. M.

Ag. Collector

Recd
21/7/71
J. R. 207

N^o 366

Office of Conservator of Forests
Camp Chaugama 2^d July 1871.

Know

Major R. H. Keddlome
Conservator of Forests

To.

D. F. Carmichael Esq.
Acty Secretary to Govt. Dep. Department.

Sir,

In forwarding the correspondence as per margin, I have

1 Letter from the Asst. Conservator of South Canara to the Conservator N^o 194 dated 17 June 71

2 Letter from the Collector of South Canara to the Asst. Conservator of the District N^o 407 dated 31st March

3 Letter from the Acty. Collector of South Canara to the Asst. Conservator of the District N^o 783 dated 12 June 1871-

4 Copy of a letter from the Acty. N^o Asst of South Canara to the Collector N^o 105 dated 12th July

the honor to inform you that some time since the Collector of South Canara (Mr Thomas) applied to me to refund the sum of Rs 107/1 to a catechu Contractor on account of a supposed loss sustained by him from a small tract of jungle having been handed over to Bombay -

2 - Upon further enquiry, it appears that the jungle in question was only made over to Bombay a few days before the contract expired, and that the Contractor was

never prohibited from felling in it. The Acty. Collector, Mr Webster, states that the Contractor has been put to no loss, but as it is possible that his Sub. Contractors may have been under the impression that they could not fell in the tract in question, he applies for a refund to the Contractor of Rupees 162-2-3. It will be seen by the Acty. Collector's letter that this sum is equivalent to the whole year's rental of the small tract in question, and that when it was handed over to Bombay there were only a few days

days of the Contract to run, it also appears to me that if
a loss is to accrue to the Revenue from the transfer it should
be borne by Bombay. I request the orders of Govt. on the
subject -

I have the honor to be,
Sir,

Your most Obedient Servant

R. P. S. Major
Conservator of Forests.

No 1255 Recd Sept.

Pros of the Madras Govt.
Under date the 19th July 1871.

Read the following
Lett. from the Conservator of
Forests.

Requesting to submit for
the orders of Govt the matter
of a refund of Rs 162. 3
to a certain catechu con-
tract of the South
Canara D.

H. E. 2nd July 1871 No 366

On the 15th March 1868 Jagu
pa Chetty purchased at public
auction for Rs 6000 the right
of cutting catechu trees in a
certain tract in South Canara
until the expiration of the
year 1868. His present claim
has reference to a portion of
this tract known as the "Gote
Gudde" jungle, which, when
the lease was sold, contained

A/A

Recd 1871 20/9/71

No 2113

From
The Conservator of Forests

To
The Acting Secretary to
Govt. Revenue Department

Letter 2nd 3rd
June 1871 July 1871

With four enclosures.

No 366.

Request to submit for the
orders of Government the matter
of a refund of Rs 162. 3 to a
certain catechu contractor of the
South Canara District.

Recd 1871 19/9/71

67/4/71 105-100/4/71

1208 trees; the aggregate
number of trees growing on the
whole tract leased being
estimated at 44,736. It
seems that in 1865 and
subsequently the question
of transferring the "Gorte
Gudde" jungle to North
Kanara was mooted, but
this measure was not
actually carried out until
the 7th Decr 1866, or a few days
before Daggappa Pheltty's
lease expired; nor was he
leased at any time either before
or even subsequently to the
transfer prohibited so far
as can be ascertained from the
records. He therefore has no claim
either to compensation or the Govt
must decline to sanction any
payment to him.

2 The Collector will
call upon the Tahsildar who
is referred to in para 2 of
Mr. Sturges's letter to state
why and by what method
of calculation he suggested
Rs. 1071 as fair compensation
for Daggappa Pheltty, and also
to explain his long delay in
reporting on the petition
received from the leasee. The
Tahsildar's explanation on
these points should be forwarded
to Government.

13 To the Commr of Forests, Sat. 20
14 — 19/12/66

45
4

Rev. Dept.

Pros of the Madras Govt
Under date the July 1871.

Read the following letter
from the Conservator of Forests.

Requesting to submit for the
orders of Govt the matter of a
refund of Rs 162 - 3 to a certain
Catechu Contractor of the South
Canara District.

H. C. 2^d July 1871, No 366.

On the 15th March

1864, Dagappa Chetty purchased

at public auction for Rs 6000

the right of cutting catechu

trees on a certain tract in

South Canara until the

expiration of the year 1868.

His present claim has

reference to a portion of

I must not admit
the claim at all.
The transfer did
not take place at the con-
tract nor was the
Contractor for 1868
to sell -

L.S.
N. A.

this tract known as the
"Gorte Gudde" jungle which,
when the lease was sold, con-
tained 1200 trees. The ap-
proximate number of trees
growing on the whole tract
leased being estimated at
444,736. It seems that
in 1865 and subsequently
the question of transferring
the "Gorte Gudde" jungle
to North Kanara was
mooted, but this measure
was not actually carried
out until the 7th Decr 1868,
or a few days before Sagay
pa Chellips' lease expired;
nor was the lessee at
any

to compensation
& the Govt
must decline
to sanction any
payment to
him

any time either before or
even subsequently to the
transfer prohibited (so far
as can be ascertained)
from felling. ~~Strictly~~
~~speaking~~ (therefore he)
has no claim whatever,
2. It appears however
that in September 1868 Sagay
pa Chetty petitioned the
Collector stating that the
"Gorte Gudde" jungle was
to the north of the boundary
line marked out by Messrs.
Sewell and Pratt in 1865
and consequently within
the Bombay Territory, and
requesting either that he
might be permitted to
fell

fell trees in the jungle referred
to or, if prohibited, that he
might receive compensation.
To this petition it appears
that he received no answer
until the expiration of
his lease and it is stated
that owing to unauthorized
directions to the contrary re-
ceived by him from some
quarter unknown he
did not exercise his
right of felling in
the "Garte Gadda" junc-
gle.

3. The collector
therefore recommends that
Dagappa

Dagappa Chetty may
receive Rs 102 - 0 - 3 which
sum bears the same proportion
to Rs 6,000 (the total sum
paid for the lease) as 1208
(the number of trees growing
in the "Garte Gadda" jungle
when the lease was sold)
does to 44736 (the number
growing on the whole tract).
The Government cannot
assent to this proposal.
The utmost which Dagappa
Chetty can claim is compe-
nsation from the date
his petition reached the
Collector (September 22nd
1868) up to the expiry
of his lease - a period
of three months and eight
days.

days - which amounts
to Rs 9-8-00, and the
Government authorise
payment to him of this
sum.

4. The Collector will
call upon the Tahsildar
who is referred to in
para 2 of Mr Sturrock's
letter to state ^{by what method of calculation} why he sug-
gested Rs 10 7/1 as fair
compensation for Dagappa
Chetty and also to explain
his long delay in re-
porting on the peti-
tion received from
the leasee. The
Tahsildar's explanation

on

on these points
should be forwarded
to Government.

Ike

By Mr. Sturrock

Copy of July 11/12/55.

Copy of 12 & 13/1/55

B5