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:—

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.

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.

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

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 217. 1870

2-4-70

Collectors Office

Mangalore 31st March

1870

From

E. A. Steinwood Esqre

Collector of South Canara

To

A. J. Hunter Esqre

Assistant Commissioner of Coorg

Sir,

I have the honor to forward herewith a petition dated 15th January 1870 from Ramappa Bhatta Alva on behalf of himself & other Gaspia Shetts of Gudestane Cutcherry Centre of the Villages of Gudestane & Bantwal Hobli Dakshina Kanara.

2. The Petitioners Alvas complain that the Ryots concerned in cutting the branches of the jungle round their Gardens at Bantwal, which South Canara have a right to cut at their Pleasure.

3. The jungle have been declared reserved & accordingly the Ryots have been prevented, the Ryots to Petitioners are also prohibited to cut wood to the Value of 10 Rs.

4. I have therefore the honor to request you will be so good as to procure the requisite sanction for the Removal of the wood to Petitioners.

I have the honor &c

Sd/ E. A. Steinwood

Collector

No. 783

Collectors Office,

Mangalore, 12th June 1871.

From

L. Mcf. Webber Esquire,

Asst. Collector of South Canara

To

J. H. Cherry Esquire,

Assistant Conservator of Forests,

South Canara.

Sir,

With reference to your predecessor's

letter to the Head Assistant Collector,

dated 15th June 1870, No. 95, I have the

honor to state that I have made further

enquiries into the claim for compensation

put forward by Gedtare Dugappa Shett

for loss of the privilege of cutting catech

in the Gorte Gudde Jungle, transferred

to South Canara in 1868, and to enclo

for your information a copy of a letter

from Mr. Sturrock on the subject.

2. I have ascertained from Venkap

Row, late Sirkeidar of Tumbadpet and

now a Tahsildar 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 South Canara 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. Pearson appears therefore to have been misinformed when in the 2nd para of his letter to your predecessor dated 31st March 1870, No. 417, therewith returned, he stated that the borrowed on account of the taxation of the jungle to Bombay when South Canara 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 reclaimed, and he has received the full amount of rent from the tenant on whose behalf however he now alleges the application for confirmation was made.

6. It appears that when a dispute occurred in 1865, between the Contractors of North and South Canara regarding the right to fell trees in certain Jungles (of which however Gorte Gudde was not one), the Assistant Collector of the two Districts and the Tahsildar 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 Canara. Although the Jungle was not actually

been passed until 7th December 1868, and although no order are proved to have been given forbidding Dugaffa 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 remuneration of the amount of the contract amount fixed 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 fixed for Gorte Gudde. The total number of trees estimated as standing on the different jungles in the contract was 44,736, and not having stated by Dugaffa Shetty in the estimate Gorte Gudde was entered as containing 1,208 trees, and I am of opinion that the only correct manner of estimating Dugaffa Shetty's loss is by taking the proportionate value of the trees sold. The contract price the 44,736 trees was sold for Rupees 6,000, and the value of the 1208 trees would therefore be Rupees 162-0-3.

8. Although Dugaffa Shetty has actually sustained no loss, as he has received the full amount of his from the Sub-Contractor, and has filed a suit for the recovery of some money advanced to the Sub-contractor for working of the Gorte Gudde and other jungles rented to him, and although he cannot legally claim compensation from Government, I think that on receiving satisfactory claims are there

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.
Wm Mcauley
Ag Collector

Recd 10th July 1871
3
211 Ryl
Sir
D 234

Office of Conservator of Forests
Camp Chengama 2d July 1871.

No. 366

From
Major R. H. Keddonie
Conservator of Forests

To.
D. F. Carmichael Esq:
Actg Secretary to Govt: Rev: Department.

Sir,

In forwarding the correspondence as per margin, I have 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 1071 to a catcho Contractor on account of a supposed loss sustained by him from a small tract of jungle having been landed 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 Actg: 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-a-3- It will be seen by the Actg: 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

1 Letter from the Asst: Conservator of South Canara to the Conservator No 194 dated 17th June/71
2 Letter from the Collector of South Canara to the Asst Conservator of the District No 407 d/31st March
3 Letter from the Actg: Collector of South Canara to the Asst Conservator of the District No 783 d/12 June 1871-
4 Copy of a letter from the Actg: Asst of South Canara to the Collector No 101 dated 12th July

days of the Contract to run, it also appears to me that if a loss is to accrue to the Revenue since 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. H. Saddler Major
Conservator of Forests.

Rec. Dept.

No 1255

Report of the Madras Govt.
Under date the 10th July 1871.

Sent the following
Letter from the Government of
Madras.

Requesting to be informed for the
information of the Govt. of India
if a certain Catechist
in receipt of Rs 3
per mensem from Local Funds
should be allowed
Leave of Absence
Granted.

Rec'd 2nd August 1871 No 3604

On the 15th March 1864 Mary
Ann Chetty Manchaven of Madras
executed in favour of Rhoda the Regula-
tion for Rhoda the Regula-
tion for a certain piece of
ground situate in Vepery
and bounded on the
North by Pennington's Estate
on the East by Mount Lavinia
Road on the South by
Vepery Church Road
and on the West by
Vepery Church Road
and on the North by
Vepery Church Road
and on the East by
Vepery Church Road
and on the South by
Vepery Church Road
and on the West by
Vepery Church Road

Rec'd 1871 Dept.
No 2113

From
The Conservator of Forests

To
The Acting Secretary to
Govt. Revenue Department

Dated 2nd
Rec'd 4th July 1871

With four Enclosures.

No 366.

Requests to submit for the
orders of Government the matter
for refund of Rs 162-2-3 to a
certain Catechist Instructor of the
South Canara District.

G.O. No 1255. 19 July

No 237

6th July 71. R.S. - 12th July 71. R.S.

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 Gorle Gudde jungle to North Canara was mooted, but this measure was not actually carried out until the 7th Decr 1868, or a few days before Dasappa Shetty's lease expired; nor was the lessee at any time better off or even subsequently to the transfer prohibited so far as can be ascertained from selling as he therefore has no claim whatever to compensation & the Govt must decline to sanction any payment to him.

2 The Collector will call upon the Sahukars who is proposed to inspect 2 of Mr. Pierce's letter to state why and by what one third of calculation he suggested Rs. 1071 as fair compensation for Dasappa Shetty and also to explain the long delay in reporting on the petition & received from the lessee. The Sahukar's explanation on this point should be forwarded to Government.

Etc.

12 Folio Covers of Tenders sent to
11 ——— 3 of Pencil

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 Catecha Contractor of the South Canara District.

Ft. C. 2d July 1871. No 366.

On the 8th March 1864 Duggappa Shetty 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

I would not admit the claim at all. He transgressed not a block the Contract nor was the Contractor to blame - Let

No 871.

12 July/71. R17

this tract known as the "Gorle Guddi" jungle which, when the lease was sold, contained 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 "Gorle Guddi" jungle to North Canara was mooted, but this measure was not actually carried out until the 7th Decr 1868, or a few days before Capt. Jas Chellys lease expired: nor was the lessee at any

to contemplate & the Govt must decline to entertain any payment on this

any time either before or even subsequently to the transfer prohibited (so far as can be ascertained) from felling. Mr Chelly ~~therefore~~ therefore has no claim whatever,

2. It appears however that in September 1868 Capt. Jas Chelly petitioned the Collector stating that the "Gorle Guddi" jungle was to the north of the boundary line marked out by Messrs Jewell and Watt in 1865 and consequently within the Bombay territory, and requesting either that he might be permitted to

Lett

fell trees in the jungle referred to or, if prohibited, that he might receive compensation. In this petition it appears that he received no answer until the expiration of the lease: and it is stated that owing to unauthorized directions to the contrary received by them from some quarter unknown he did not exercise his right of felling in the "Gorie Gudde" jungle.

3. The Collector therefore recommends that Dagaspa

Dagappa Chetty may receive Rs. 162 - 0 - 3 which sum bears the same proportion to Rs. 60,000 (the total sum paid for the leases) as 1208 (the number of trees growing in the "Gorie Gudde" jungle when the lease was sold Leases No. 14736 (the number growing on the whole tract. The Government account assent to this proposal.

The utmost which Dagappa Chetty can claim is compensation 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-—, and the Government authorises 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 why he suggested Rs. 1,071 as fair compensation for Dagappa Chetty and also to explain his long delay in reporting on the petition received from the lessee. The Tahsildar's explanation on

on these points should be forwarded to Government.—

R E

Reg. 19 Feb 1931 No 1255.

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