No. 150. Read the following letter from Major R. H. BEDDOME, Conservator of Forests, to the Secretary to Government, Revenue Department, dated Ootacamund, 2nd October 1871, No. 530:—

WITH reference to G. O. No. 1,530 of 5th September 1871, and in continuation of my letter No. 470 of 28th August last, I have the honour to forward copy of the Judge's decision* in the case in question, together with two letters† from Mr. Sheffield, the Forest-officer in charge of North Arcot.

*No. 368 of 1871 of the Chittoor Court of Small Causes.

†No. 230 of 4th September 1871.
„ 255 of 21st „ „

2. The Forest-officer was informed that seven bandy-loads of charcoal were in transit from the forests without any license, and orders were sent to the Tannah stations to be on the look out. The same day an attempt was made to pass three of these loads without a license, and they were detained; the owners then went off, and procured two licenses for four loads; but as the number of loads did not tally, and the licenses were made out in the names of other parties (and were probably purchased after it was known that the attempt at smuggling was a failure), the Forest-officer refused to pass them; and he also sent orders to detain the remaining four loads which were still in the precincts of the forest.

3. I cannot understand the Judge's decision in the case: the plaintiff's claim was for six loads, but he only produced licenses for four, and these not in his own name; and he is proved to have had in his possession seven loads. It is, however, decided that, though the Forest Department were right in stopping the three loads first brought to the Tannah, they had no right to detain the other four, and judgment is given against them for Rs. 30, with proportionate costs and fee.

4. The Forest-officer has acted in my opinion very properly, and the decision of the Court appears to me ridiculous. It is tantamount to saying that any man may cut or prepare, say, twenty bandy-loads of timber or charcoal without any license, and that if he fails in his attempts to smuggle it, he may purchase licenses to cover it, and we cannot touch it; or if he is only able to purchase licenses for, say, ten loads, and we confiscate the whole (which we should do under our rules, even if the license for ten was in his own name, and he was bringing out twenty) a suit in the Court against us will be successful.

5. The loads in question were only detained by the Forest-officer, pending inquiry, etc. An action was at once brought against the department, and, since the decision, the Forest Department have sold the charcoal and credited the amount it realized, namely, Rs. 48, to Government.

6. This case is one of many that show the necessity of a Forest Act. As the law stands at present none of our officers know exactly how to act, and they are in no enviable position. The Magistrates themselves often do not know how to act, and no two think alike on the question of Forest Law. In the meantime all our officers are reporting that smuggling and a general breach of our rules are daily becoming more apparent, and that a general feeling is abroad in some districts that any complaint whatever against our department is sure to find favour with the Magistrates and the Revenue authorities and the Revenue Board. The different opinions

held by Magistrates and Collectors in the different districts in our Presidency are most conflicting, and conservancy must be continually retrograding, pending a proper understanding of the law. Some are of opinion that Government have no right whatever to any of the forests, and that no sort of smuggling can be punished; that trees standing in the forests are of no more value than rocks; that fires do no harm, and should be encouraged; others again are more or less opposed to conservancy; whilst some hold quite my views, and consider that we cannot introduce efficient conservancy and stop the utter destruction of our woodlands unless strict rules are in force to check smuggling, and though communal and other rights should be liberally acknowledged, as far as possible in the face of railways, that these must be clearly defined.

No. 151. ORDER THEREON, 13th October 1871, No. 1,794.

Forests, No. 12.

IT is evident that the Forest-officers were not warranted in their proceedings, although the Government see no cause to doubt that they acted in good faith.

2. As Passes were produced for four cart-loads of charcoal, showing that the Government dues had been paid for that number, the excess only should have been detained.

3. Payment of the damages and costs awarded against the Assistant Conservator is sanctioned.

4. Major Beddome will be more moderate in future in characterizing decisions of Courts in his official correspondence.

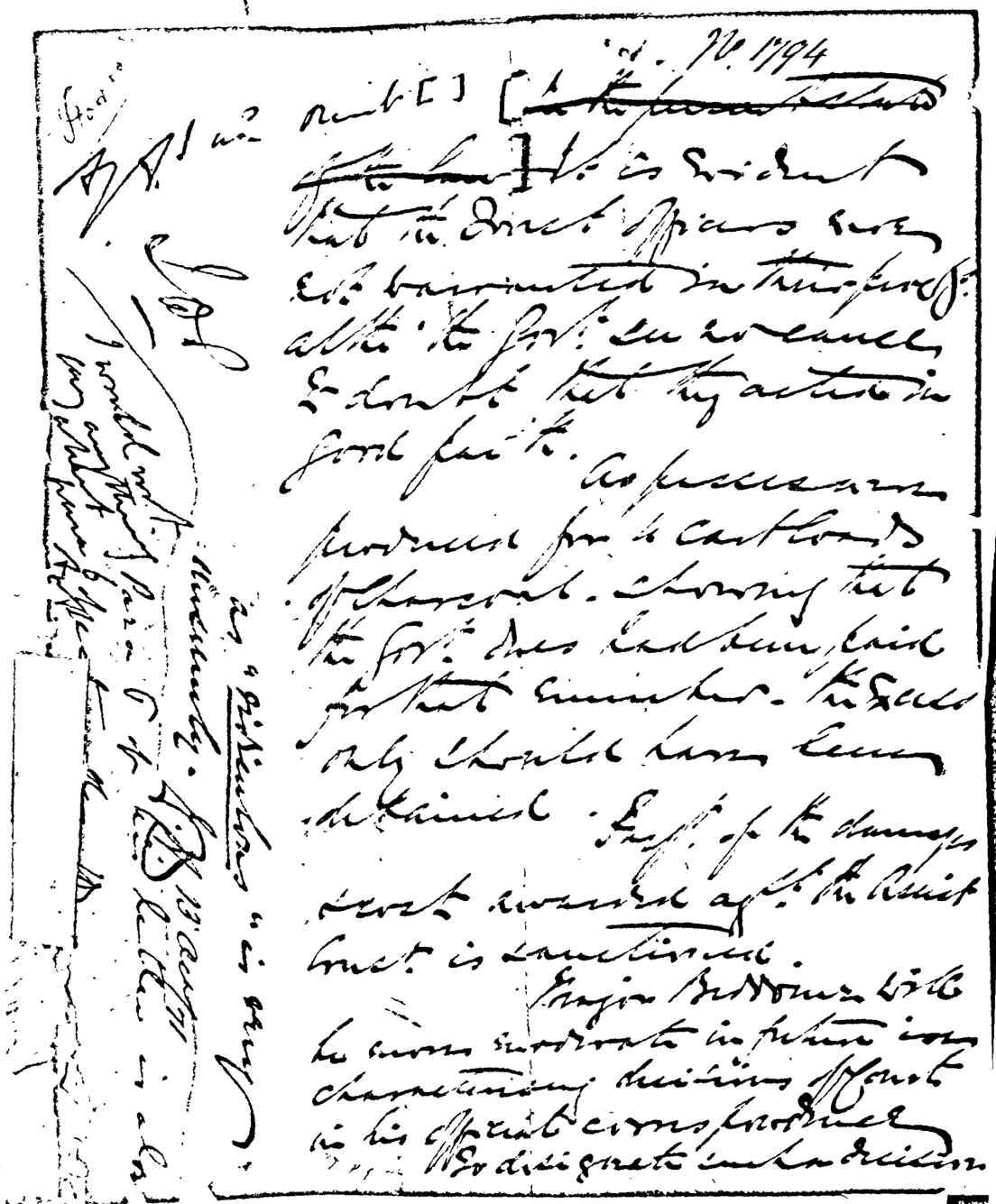
5. To designate such a decision as "*ridiculous*" is very unseemly.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

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

Exd. F. R. Bantleman.



Govt. of {1871} Madras.

REVENUE.

To

THE CONSERVATOR OF FORESTS,

&c., &c., &c.

Dated October 13th.

Recd.

G. O., 13th October 1871, No. 1,794.

OCTOBER.

Nos. 150-151.

Suit against Forest-officer in North Arc
in a case of smuggling charcoal.—Letter fr
Conservator of Forests, submitting papers relati
to —, with orders thereon.