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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 1967 ~~Press~~
~~B.P. No.~~ Mis.

Dated 23-9-1875 ~~196—~~.

Not to be folded or roughly handled

1967
1

No. 3558 of 1875

Revenue Department

Bombay Castle, 24th June 1875

To,

The Secretary to the Govt. of
Fort St. George

Sir,

In reply to your letter No. 1250 of 18th Instant, I am directed to state for the information of His Excellency the Governor of Fort St. George that Act VII of 1865 has not been extended to the Bombay Presidency.

I have the honor to be
Sir
Your most obedt. Servant

For Secy. to Govt.

Gd

Rev. Dept. & Agric.
No. 24 & 8

From.

The Hon'ble W. Egerton, C.S.I.,
Officiating Secretary to the Government of India,
Revenue & Agricultural Department.

To.

The Secretary to the Government of the Central Provinces,
No. 355

Dated 24th
Rec'd 30th June/75

Sir,

I am directed to forward, for the information of the Chief Commissioner, a copy of Resolution No. 1260 of 18th June/75, and of the Rules which accompanied it, regarding the Forest Boundary Pillars.

I have, &c.

Simla, 19th September 1875.

W. Egerton
Officiating Secretary to the Government of India.

Rev 2 & 8 1/75

1967
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FOREST RULES.—CENTRAL PROVINCES.

I.—The waste lands in the Central Provinces, which are not private property, are all, as respects technical considerations, and as respects timber and other natural products, to be regarded as "Government Forests," and to be administered in the Forest Department.

Definition of Forests.

II.—These Forests are divisible into two classes,—(1) "Reserved Forests;" (2) "Unreserved Forests." The more valuable tracts will be taken up and declared to be "Reserved Forests." The remainder, whether reserved from sale under Rule 19 of the Waste Land Sale Rules, or liable to sale under those Rules, are "Unreserved Forests."

How classified.

III.—The administration of the Forests will be vested in the following Officers, in the manner hereinafter described:—

How administered.

1*st*.—The Conservator of Forests.

2*nd*.—His Assistants.

3*rd*.—The Deputy Commissioners of Districts.

4*th*.—The Assistant Commissioners.

5*th*.—The subordinate Forest Officers, *viz*. Darogahs, Jemadars, Duffadars, Forest Watchers, and Peons.

It will also be the duty of all Police Officers to watch over the observance of these Rules and to afford every assistance to the Forest Officers in the exercise of their duties.

IV. "Reserved Forests," and any others which may be specially assigned to the care of the Conservator of Forests and his Assistants, are managed exclusively by them.

by Forest Officers.

V.—"Unreserved Forests" are under the immediate control and management of District Officers, aided by subordinate Forest Officers, who will be under the orders of the District Officers, but will, as a rule, be appointed by the Conservator of Forests.

by District Officers.

VI.—The boundaries of "Reserved Forests" will be demarcated by masonry pillars, or in other permanent manner, in concert with Settlement Officers. Proclamation of their having been created Government reserves, will be publicly made in the districts.

Reserved Forests to be properly demarcated.

VII.—Within the limits of "Reserved Forests," the cutting of any timber, shrubs, and bamboos; the injuring of trees, shrubs, and bamboos; the appropriation of any Forest produce; the making of "Dhyas;" the grazing of cattle; burning of charcoal; the lighting of fires, or any interference with the ground or its products, is absolutely prohibited, except with the special permission of the Conservator of Forests. The use of existing roads in "Reserved Forests" is permitted; but it shall be lawful for the Conservator of Forests, with the sanction of the Chief Commissioner, to close any road in "Reserved Forests," and to declare such road to be closed. No person may enter, come out of, or pass through "Reserved Forests," except by existing roads; and any person found in a "Reserved Forest" straying off existing roads, shall be arrested, and shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty Rupees, or in default to rigorous imprisonment, for a term not exceeding fourteen days.

and strictly preserved.

VIII.—The Conservator of Forests will issue orders and make arrangements for the cutting and sale of timber, and for the disposal of Forest produce in "Reserved Forests." But no *timber trees* shall be cut in such Forests, by the Forest Department itself, which have not been previously marked for cutting by an Officer of the Forest Department, or which are not included in the tract set apart for felling.

and utilized only under special restrictions.

IX.—"Unreserved Forests" will be subject to inspection, and to periodical report, by the Officers of the Forest Department. Those Officers may also undertake any operation connected with planting, cutting, thinning, or selling timber in these "Unreserved Forests," which, in the opinion of the Conservator of Forests, may require their own special attention.

Unreserved Forests subject to departmental inspection,

X.—No Teak, *Tectona grandis*; Sal, *Vatica robusta*; Saj, *Terminalia glabra*; Saj, *Terminalia tomentosa*; Beejasal, *Pterocarpus marsupium*; Sheshum, *Dalbergia latifolia*; Kowah, *Pantaptera arjuna*; Unjun *Hardwickia binata*, generally or locally may be cut in the Unreserved Forests without the special permission of the Deputy Commissioner, or of the Officers of the Forest Department, given in communication with the Deputy Commissioner. But other products in the Unreserved Forests may be disposed of by the District authorities in the usual manner, provided that nothing be done which might interfere with arrangements of a general or special character made by the Officers of the Forest Department. In tracts where posts for the collection of Forest Duties are not established, and where the right to levy such duties is not

and to be utilized under certain restrictions,

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leased out, as hereinafter provided in Rule XVII., the rural communities and other residents of a district in the neighbourhood of Unreserved Forests, will be permitted to appropriate unreserved timber and common jungle products for their own use and consumption, free.

XI.—The District Officers, however, may, at discretion, grant permission to cultivators requiring timber of the abovementioned seven prohibited sorts, *viz.* Teak, Sal, Saj, Beejasal, Sheshum, Kowah, and Unjun *bonâ fide* for their own use, and not for purposes of trade, or to local artizans, such as carpenters and others requiring wood for their trades, to cut and remove up to twenty trees yearly. Railway and other Contractors, whose timber requirements may be on a large scale, must apply to the Officers of the Forest Department, with whom will rest the responsibility, subject to the Chief Commisioner's control, of all arrangements with such Contractors or other persons who may require large quantities of timber or Forest produce.

which may be relaxed in certain cases,

XII.—On timber cut under Rule XI., duty will be charged at the rates laid down in Rule XVI. Cultivators will pay for timber granted them *bonâ fide* for their own use at one-fourth of these rates. This privilege is applicable to cultivators only, and not to local artizans or others. In all cases, the amount of duty must be deposited at the time of making the application. In special cases, grants of timber of the prohibited kinds, free of duty, may be made by the District Officer, with the concurrence of the Conservator of Forests.

on certain conditions.

XIII.—District or Forest Officers granting permission to cut timber under Rule XI., must, in every case, depute a person to mark the trees, and such trees shall in no case be of less girth than four and half feet, at six feet from the ground, and they shall invariably be cut to within one and half feet of the ground. Sheshum may, however, be cut at three feet girth.

and provisions

XIV.—No Dhya is to cut in any place where any of the seven interdicted kinds are growing, without the permisson, in every instance, of the Deputy or Assistant Commissioner, or Tehseeldar of the District. These Officers may also give permission for the use of the Saj leaves, by silkworm rearers, in "Unreserved Forests."

Concerning Dhya cultivation and silkworm rearing.

XV.—Besides exercising the management, as above, of "Unreserved Forests," District Officers will use every endeavour to give full effect to that clause in the administration papers of proprietary villages, in which the proprietors have agreed to adopt the established principles of Forest conservancy, as far as may be feasible, in regard to the timber trees on their own lands, which are their exclusive property.

Private Forest conservancy.

XVI.—The following will be the rates of duty charged on timber in all Forests :—

Rates of duty on Forest Timber.

1.—On all logs of Teak, Sheshum, Sal, Saj, Kowah, Unjun, and Beejasal, measuring upwards of eighteen feet, by four and half feet girth at the thick end, four Rupees per log.

2.—On all smaller logs of such timber, three Rupees per log.

3.—On all Railway sleepers of whatever timber, eight annas per sleeper.

4.—It will be at the option of the Conservator of Forests to charge duty on timber cut under the orders of Forest Officers, at the rate of three annas per cubic foot of squared timber. When such a mode of charge is adopted, the measurement will be made by Forest Officers, and their measurement will be final. The timber will be measured either in the rough or the sawn state.

N.B.—On timber sold by the Forest Department, no duty will be levied.

XVII.—The following rates of duty will also be payable on unreserved timber and miscellaneous produce of Government Forests, wherever posts are established by District or Forest Officers for the collection of such duties, or where the right to levy such duties in specified tracts is leased to farmers :—

Articles.	Rates of Duty.								
	Cart-load.			Buffaloe-load.			Bullock-load.			Coolie-load.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1. Timber of the unreserved sorts	1	0	0	0	6	0	0	4	0	0	0	6
2. Kosali Silk Cocoons	12	0	0	6	0	0	4	0	0	0	8	0
3. Lac, Katha (catechu), Gum, Honey, and Wax	3	0	0	1	2	0	0	12	0	0	2	0
4. Bamboos, and articles made in the Forest from Bamboos, Brooms, Bark-rope, Jungle Fruits, and Mowah	0	12	0	0	4	6	0	3	0	0	0	6
5. Firewood and Grass	0	2	0	0	0	9	0	0	6	0	0	1
6. Lime burnt within the Forests	0	8	0	0	3	0	0	2	0	0	0	3
7. Charcoal made within the Forests	1	0	0	0	6	0	0	4	0	0	0	9

For every extra bullock attached to a cart carrying the above Forest produce, extra duty, equal to half the duty leviable on a cart-load, will be levied. When such duties are levied on rivers, the rates will be—

1. On logs over three feet girth, 1 Rupee each.
2. On logs under three feet and over one and half feet girth, 4 annas each.

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3. On rafters, and other timber of smaller size than the above, 3 Rupees per 100 pieces.

4. On bamboos, one and half Rupees per 1,000. River or road borne produce passing a post established for the collection of duties under this and the preceding Rule, will be exempt from duty, if it be shown that such produce was grown or collected in private Forests, or that it was bought from the Forest Department, or has already paid Forest duty elsewhere.

XVIII.—The Conservator of Forests, in granting permission to Contractors and others to cut timber in the Reserved or Unreserved Forests, will bind them by such conditions, regarding time and route of removal, method of cutting up the timber into sleepers or scantlings, protection from fire, &c., as he may deem necessary for the prevention of waste and economizing the supply of timber.

Timber contracts to contain special conditions.

XIX.—No trees or bamboos are to be cut in any Forest, unless by the special direction of District or Forest Officers, within ten yards of the bank of any hill-stream, or within twenty yards of any spring.

XX.—The following are to be the bye-laws for the regulation of the timber traffic at Timber Revenue Stations existing, or hereafter to be established, on the Nerbudda or other rivers :—

1. All persons purposing to bring timber down such river must register, in the Office of the Assistant Conservator of Forests, a specimen or a *fac simile* of the brand wherewith their timber shall be marked.

2. Government timber will be marked with such mark or marks as the Chief Commissioner may, from time to time, direct, to distinguish it from all others.

3. All timber, without exception, that comes down such river, will be caught in the river by persons employed by the Forest Department, and lodged by them within the Government timber-yard.

4. The timber will be given over to the owners, when not disputed, on payment of the authorized amounts for catching and lodging the timber in the timber-yard, in addition to the regular timber duty. The Chief Commissioner will, from time to time, fix the amounts to be paid, and will prescribe a form of receipt to be granted to the Forest Officers in charge of such stations. Should the amount of fees and duty not be paid, and the timber removed within one month, it will be sold, and the proceeds credited to Government. Should there be any dispute, the timber will be kept in the yard until the ownership is settled in the Civil Court, provided that a suit be filed by one of the claimants within one month.

5. All timber found in the river without a registered brand or mark will be confiscated to Government.

XXI.—All persons receiving permission to cut large quantities of timber in Government Forests, will be required to register, in the Office of the Assistant Conservator of Forests of the Division, a specimen or *fac simile* of the brand or mark wherewith their timber shall be marked, under the superintendence of the Forest officials. No private parties will be allowed to use the Government mark, or any other mark already registered. A fee of ten Rupees will be charged for registration of property marks for timber. Any person found using any mark other than his own registered mark, or effacing any property mark lying within Forest limits, or floating on a river before the said timber has paid duty, will be liable, on conviction before a Magistrate, to a fine not exceeding five hundred Rupees, or in default of payment to imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding six months.

XXII.—Any person found in Government Forests, cutting in pieces, converting to his own use, or burning any timber, of which he is not the lawful owner, or disposing of such timber by sale or otherwise, shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred Rupees, or in default of payment to imprisonment of either description as defined in the Indian Penal Code, for a term not exceeding six months.

XXIII.—No Forest Officer shall engage in any other employment or office whatever, other than his duties under these Rules, unless expressly authorized to do so in writing by the Conservator of Forests.

XXIV.—Any subordinate Forest Officer who shall be guilty of any violation of duty, or neglect of any Rule or Regulation, or lawful order made by a competent authority for his guidance in matters connected with guarding the boundaries of the Forests; the marking, girdling, or felling of trees; the marking and passing of timber; the reporting and preventing of offences against the Forest Rules; or who shall engage without authority in any employment, other than his Forest duty; or who shall withdraw from the duties of his office without permission; or without having given previous notice for the period of two months, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred and fifty Rupees, or in default of payment to simple imprisonment for a term not exceeding three months.

XXV.—All contracts, licenses, or permissions granted to parties to exercise any privilege, or to do any act in Forests under the preceding Rules, must contain a condition that infringement of any general rule, or special provision, will entail forfeiture of such contract, license, or permission, and also of any wood or Forest product cut or gathered and still within Forest limits.

General conditions applicable to all contracts or permissions.

No. 2278 / 100

1967

Chief Commissioner's Office,
Central Provinces.

From J. W. Neill Esquire
Offg. SECRETARY to the CHIEF COMMISSIONER,

To The Chief Secy to Govt
Madras.

Circumvend.

Dated Nagpur, the 28th of June 1875

Sir,

In reply to your letter No 1281, dt. the 15th Inst I have the honor to forward a copy of Forest Rules for these Provinces, framed under Act VII of 1865 Section 3.

I have the honor to be
Sir,
Your most Obt Servt

J. W Neill
Offg Secretary

25

No. 13F, dated Fort William, the 16th February 1871.

NOTIFICATION—By the Government of India, Public Works Department, Revenue—Forests.

THE following Rules drawn up under Act VII of 1865 have been confirmed by the Viceroy and Governor-General in Council, and are in accordance with Section 6 of the Act, published in the *Gazette of India*:—

Rules for the better management and preservation of the Government Forests in the Lower Provinces of Bengal.

PART I.

PRELIMINARY.

These rules shall be in force in those tracts of land which may be declared to be Government Forests under Act VII of 1865, and they shall regulate the transit of timber and other matters in those districts to which these rules may be extended by an order of the Government of Bengal published in the *Gazette*.

2. On any tract being declared by Notification under Section 2, Act VII of 1865, to be subject to the provisions of that Act, it shall be subject to the authority of the Conservator of Forests under the following rules. Provided that the Government may appoint any person, other than the Conservator of Bengal Forests, to be Conservator of any specified tract.

3. Divisions and sections of Government forests will be placed under the management of Deputy and Assistant Conservators, as may be determined by the Government of Bengal.

4. All Officers charged with the protection and management of any Government forests, or with the control and management of any matters to which these rules relate, will be designated Forest Officers.

5. The Government forests, as notified under Section 2, Act VII of 1865, shall be marked on a copy of the Revenue Survey Map of the District, which shall be deposited in the Office of the Commissioner of the Division, and attested by his signature.

6. There will be two classes of forests—"Reserved" and "Open"; and whenever any Notification is issued under Section 2 of Act VII of 1865, rendering any land subject to the provisions of that Act, such Notification shall state whether such land is to be a reserved or an open forest.

PART II.

OF RESERVED FORESTS.

7. The reserved forests shall consist of tracts or forest of waste lands, the soil of which is the property, and is in the possession of Government, which may be set apart as such by order of Government, and defined by Notification in the Official *Gazette*. The Conservator of Forests and his subordinates shall have entire administration, custody and control over these forests and their products.

8. Within reserved forests no tree of any kind is to be felled, nor shall any forest produce be removed without general or special authority obtained from the Conservator of Forests.

9. The boundaries of these forests must be clearly marked off by substantial marks where no natural boundaries exist. Should villages be included within these tracts, the boundaries around the village lands must be demarcated in the same manner as the forest, subject to the proviso in Section 2, Act VII of 1865.

10. Whenever the Government may resolve to set apart any tract as a reserved forest, the privileges which villagers are to be allowed to enjoy, and any customary rights which may belong to them in the matter of providing themselves with fire-wood and wood for domestic and farming purposes and otherwise, shall be distinctly defined and approved by Government. It shall not be competent to the Conservator in any way to restrict or modify privileges so allowed, except with the approval of Government.

11. As soon as the Notification required by Section 2 of the Government Forest Act, stating that the forest is to be a reserved forest, is published in the *Gazette*, a Notification shall be published and issued to the villages around, mentioning the boundaries of the tract reserved, warning the villagers against trespass or mischief, and defining the restrictions imposed on them, and the privileges allowed to them, within the reserved forest under this Section. This Notification will be issued by the District Officer, and a copy will be sent to the Forest Officer for information. The Conservator will, nevertheless, be careful to give prompt attention and consideration to any complaints which may subsequently be preferred, to the effect that the restrictions so imposed infringe rights of, or inflict hardship upon, individuals or communities.

12. The Conservator of Forests may prohibit all persons from passing through a reserved forest, except by the authorized roads or paths, of which a list shall be published, drawn up by the Conservator in conjunction with the chief civil authority.

1967/6

No: 4875: & 4876
dt 20th
From
The Offg Secy to the
Govt: Comm:
& United Provinces
No 2278/203
Dated 28: June 3 1873
Rec'd 5: July 3 1873
E-1

From a copy of the
Proceedings - Central Provinces.
Forest under Sec: 3 Act VII
of 1865

S/Oct 1967 - 2 Sept number 1875

PART III.

Of Open Forests.

13. The open forests shall consist of such tracts of forest or waste land notified under Section 2, Act VII of 1865, as may not by special Notification be included in the reserved forests. In these tracts the authority of the Forest Department shall extend only to the protection of such reserved trees as may from time to time be notified with the approval of the Local Government.

14. Within the limits of open forests, and subject to the proviso in Section 2, Act VII of 1865, no person, without the permission of the Forest Officer, may mark, cut, girdle, or fell. or in any way injure any tree of the kinds which may be reserved as aforesaid.

15. Until the Government forests, to which these rules shall be applicable in any district, are settled and defined under Section 2 of the Act, no lands in the district which are covered with trees, brushwood, or jungle, and after the forests shall have been defined, no such land in the open forests, shall be sold, nor shall grants or leases in such lands be given, except under the orders of the Commissioner, who should, before passing final orders, communicate with the Forest Department; and, in case of difference of opinion between him and that department, refer the question to the Government.

16. In addition to the reservation of the trees of the kinds which may be notified as reserved under Rule 13, it shall be competent to the Conservator of Forests and his Assistants to prohibit the felling, cutting, or otherwise using trees of other kinds which they may have marked or girdled within the open forests.

17. No other restrictions shall be imposed by the Forest Department in regard to the open forests, except after the publication of Notifications with the approval of the Government.

18. Should the Conservator think it desirable to impose any further restrictions than those above specified in any open forest, he shall, in the first place, communicate his proposals to the Commissioner of the Division, who shall give his opinion on the subject. Before approving of any such proposals, it will be the duty of the Commissioner of the Division to satisfy himself that the proposed restrictions will infringe no rights or privileges which should be preserved, and to define precisely any privileges which should be kept intact. On receipt of the proposals as agreed upon between the Conservator and Commissioner, the Government will sanction the issue of Notifications imposing such restrictions as it may see fit.

PART IV.

Of the use of streams, of marking-hammers, of timber in transit, and of drift timber.

19. A list of rivers, streams, and waters in each district to which these rules may have been extended, which must be kept open for the passage of timber, will be made by the Forest Department in conjunction with the Civil Officers of the district, and be published for general information; and it will be the duty of the Civil Officers to see that these streams, rivers, or waters are kept open.

20. No timber, the produce of any Government Forest, found adrift or stranded in any river, stream, or water of any District to which these rules may be extended, shall be marked until disposed of by the Forest Department; neither shall any mark on it be defaced. It shall not be converted or cut into pieces, neither shall it be removed or disposed of in any way without the orders of the Forest Officer, except on an order or decree by a competent Court.

21. All timber disposed of by the Forest Department must be stamped by the Forest Department with such marks as the Conservator may direct.

22. All brands, or marking-hammers used in the marking of timber, must be registered in the principal Forest Office of the Division in which they are to be used. A fee of Rs. 10 must be paid for every mark registered, and a certificate will be granted on payment of fee.

23. The use by any private person of any Government timber mark, or of any other timber brand or mark, save the one registered in his own name, is prohibited.

24. All foreign timber brought into British territory shall be reported and stopped at such stations as the Government of Bengal may from time to time direct, and such timber shall not be allowed to pass until it has been examined. The persons in charge will receive a pass in the form shown in Schedule A, and the timber will be liable to detention, if found afterwards without a pass in any district to which these rules are extended.

25. All timber found adrift or stranded in the rivers, streams, and waters of any District to which these rules may be extended, and which is the produce of any Government forest, will be considered the property of Government, unless proof of ownership be given.

26. Persons who may have saved such drift timber are required to deliver the same to such persons as are authorized by the Conservator of Forests to receive it, on receipt of such salvage rates as may be approved by the Government of Bengal.

27. The Forest Officers shall take possession of any drift timber found in any river or stream, or lying in the bed of any river or stream within any district to which these rules may be extended, as to the ownership of which there may be any doubt; and the same shall be treated as drift timber under Rules Nos. 28, 29, 30, 31 and 32 below.

28. All drift timber collected by Forest Officers shall be stored at such depôts as the Conservator of Forests may from time to time order to be established.

29. From time to time, as the collection of drift timber may render it advisable, public notice, inviting claimants to the ownership of such drift timber to come forward, will be issued at the chief stations of the district, and in the nearest town to the place or depôt at which such drift timber may be lying. These notices shall state the number and description of logs collected.

30. Six months' notice will be given for the reception by the Forest Officer, by whom the notice was issued, of claims to dirft timber, after which, if not claimed, the timber will be sold on behalf of Government.

31. Claims to drift timber must be sent to the Forest Officer by whom the notice was issued, with particulars of marks by which it may be recognised. The said Forest Officer will inquire into the claim. If the claim be a single one, he may, on being satisfied of its validity, release the timber after expiration of the term mentioned in the notice. If the claim be a disputed one, he should endeavour to obtain the formal consent of the claimants to his arbitrating on their claims. Where the dispute cannot be so decided, and there exists any reasonable doubt as to the rightful owner, the Forest Officer will retain possession of the timber until the question of ownership be decided by the Civil Court having jurisdiction in the case. Provided that if no claim be preferred in such court within two months from the date on which the Forest Officer shall declare his inability to settle the dispute, the timber may be disposed of by the Forest Officer on account of Government.

32. Timber awarded to claimants must be redeemed by payment of the salvage rates approved by the Government of Bengal, and other expenses which may have been incurred on account of such timber.

PART V.

Of the prevention of offences and of punishments.

33. It shall be the duty of all Forest Officers to see that these rules are not violated; and should they in any case be infringed, to arrest the offenders and convey them without delay to the nearest Magistrate or Police Officer in the Division or Sub-Division in which the offence took place.

34. Any person infringing any of these rules shall be liable to be punished by fine not exceeding Rs. 500, or, in default of payment of such fine, by imprisonment for such term as is mentioned in the 6th Section of the Indian Penal Code. But no fine shall be imposed in addition to the confiscation of any timber or other forest produce, or of implements, which may have been incurred under Act VII of 1865.

35. Any marking hammers or other tools or implements, boats, carts, and cattle used in an act which constitutes an offence against these rules, and all timber that has been marked or obtained in a manner contrary to these rules, or that has not been reported and passed in accordance with these rules, whether entire, or cut up, or sawn up, may be seized by an officer of the Forest Department, or Police Officer, and such tools or implements, boats, carts, cattle and timber may be confiscated by the orders of the Magistrate of the District.

Schedule A.

Form of Pass for foreign timber imported into British territory.

Number.	Date.	Owner or consignee.	Place of destination.	Description of timber.	Timber marks.	Number of logs or pieces.	Total.

Colonel, R. E.

Offg. Secretary to the Govt. of India.

B. E.

Pur 1202/35

1967/8

No. 13F, dated Fort William, the 16th February 1871.

NOTIFICATION—By the Government of India, Public Works Department, Revenue—Forests.

THE following Rules drawn up under Act VII of 1865 have been confirmed by the Viceroy and Governor-General in Council, and are in accordance with Section 6 of the Act, published in the *Gazette of India*:—

Rules for the better management and preservation of the Government Forests in the Lower Provinces of Bengal.

PART I.

PRELIMINARY.

These rules shall be in force in those tracts of land which may be declared to be Government Forests under Act VII of 1865, and they shall regulate the transit of timber and other matters in those districts to which these rules may be extended by an order of the Government of Bengal published in the *Gazette*.

2. On any tract being declared by Notification under Section 2, Act VII of 1865, to be subject to the provisions of that Act, it shall be subject to the authority of the Conservator of Forests under the following rules. Provided that the Government may appoint any person, other than the Conservator of Bengal Forests, to be Conservator of any specified tract.

3. Divisions and sections of Government forests will be placed under the management of Deputy and Assistant Conservators, as may be determined by the Government of Bengal.

4. All Officers charged with the protection and management of any Government forests, or with the control and management of any matters to which these rules relate, will be designated Forest Officers.

5. The Government forests, as notified under Section 2, Act VII of 1865, shall be marked on a copy of the Revenue Survey Map of the District, which shall be deposited in the Office of the Commissioner of the Division, and attested by his signature.

6. There will be two classes of forests—"Reserved" and "Open"; and whenever any Notification is issued under Section 2 of Act VII of 1865, rendering any land subject to the provisions of that Act, such Notification shall state whether such land is to be a reserved or an open forest.

PART II.

OF RESERVED FORESTS.

7. The reserved forests shall consist of tracts or forest of waste lands, the soil of which is the property, and is in the possession of Government, which may be set apart as such by order of Government, and defined by Notification in the Official *Gazette*. The Conservator of Forests and his subordinates shall have entire administration, custody and control over these forests and their products.

8. Within reserved forests no tree of any kind is to be felled, nor shall any forest produce be removed without general or special authority obtained from the Conservator of Forests.

9. The boundaries of these forests must be clearly marked off by substantial marks where no natural boundaries exist. Should villages be included within these tracts, the boundaries around the village lands must be demarcated in the same manner as the forest, subject to the proviso in Section 2, Act VII of 1865.

10. Whenever the Government may resolve to set apart any tract as a reserved forest, the privileges which villagers are to be allowed to enjoy, and any customary rights which may belong to them in the matter of providing themselves with fire-wood and wood for domestic and farming purposes and otherwise, shall be distinctly defined and approved by Government. It shall not be competent to the Conservator in any way to restrict or modify privileges so allowed, except with the approval of Government.

11. As soon as the Notification required by Section 2 of the Government Forest Act, stating that the forest is to be a reserved forest, is published in the *Gazette*, a Notification shall be published and issued to the villages around, mentioning the boundaries of the tract reserved, warning the villagers against trespass or mischief, and defining the restrictions imposed on them, and the privileges allowed to them, within the reserved forest under this Section. This Notification will be issued by the District Officer, and a copy will be sent to the Forest Officer for information. The Conservator will, nevertheless, be careful to give prompt attention and consideration to any complaints which may subsequently be preferred, to the effect that the restrictions so imposed infringe rights of, or inflict hardship upon, individuals or communities.

12. The Conservator of Forests may prohibit all persons from passing through a reserved forest, except by the authorized roads or paths, of which a list shall be published, drawn up by the Conservator in conjunction with the chief civil authority.

PART III.

Of Open Forests.

13. The open forests shall consist of such tracts of forest or waste land notified under Section 2, Act VII of 1865, as may not by special Notification be included in the reserved forests. In these tracts the authority of the Forest Department shall extend only to the protection of such reserved trees as may from time to time be notified with the approval of the Local Government.

14. Within the limits of open forests, and subject to the proviso in Section 2, Act VII of 1865, no person, without the permission of the Forest Officer, may mark, cut, girdle, or fell. or in any way injure any tree of the kinds which may be reserved as aforesaid.

15. Until the Government forests, to which these rules shall be applicable in any district, are settled and defined under Section 2 of the Act, no lands in the district which are covered with trees, brushwood, or jungle, and after the forests shall have been defined, no such land in the open forests, shall be sold, nor shall grants or leases in such lands be given, except under the orders of the Commissioner, who should, before passing final orders, communicate with the Forest Department; and, in case of difference of opinion between him and that department, refer the question to the Government.

16. In addition to the reservation of the trees of the kinds which may be notified as reserved under Rule 13, it shall be competent to the Conservator of Forests and his Assistants to prohibit the felling, cutting, or otherwise using trees of other kinds which they may have marked or girdled within the open forests.

17. No other restrictions shall be imposed by the Forest Department in regard to the open forests, except after the publication of Notifications with the approval of the Government.

18. Should the Conservator think it desirable to impose any further restrictions than those above specified in any open forest, he shall, in the first place, communicate his proposals to the Commissioner of the Division, who shall give his opinion on the subject. Before approving of any such proposals, it will be the duty of the Commissioner of the Division to satisfy himself that the proposed restrictions will infringe no rights or privileges which should be preserved, and to define precisely any privileges which should be kept intact. On receipt of the proposals as agreed upon between the Conservator and Commissioner, the Government will sanction the issue of Notifications imposing such restrictions as it may see fit.

PART IV.

Of the use of streams, of marking-hammers of timber in transit, and of drift timber.

19. A list of rivers, streams, and waters in each district to which these rules may have been extended, which must be kept open for the passage of timber, will be made by the Forest Department in conjunction with the Civil Officers of the district, and be published for general information ; and it will be the duty of the Civil Officers to see that these streams, rivers, or waters are kept open.

20. No timber, the produce of any Government Forest, found adrift or stranded in any river, stream, or water of any District to which these rules may be extended, shall be marked until disposed of by the Forest Department ; neither shall any mark on it be defaced. It shall not be converted or cut into pieces, neither shall it be removed or disposed of in any way without the orders of the Forest Officer, except on an order or decree by a competent Court.

21. All timber disposed of by the Forest Department must be stamped by the Forest Department with such marks as the Conservator may direct.

22. All brands, or marking-hammers used in the marking of timber, must be registered in the principal Forest Office of the Division in which they are to be used. A fee of Rs. 10 must be paid for every mark registered, and a certificate will be granted on payment of fee.

23. The use by any private person of any Government timber mark, or of any other timber brand or mark, save the one registered in his own name, is prohibited.

24. All foreign timber brought into British territory shall be reported and stopped at such stations as the Government of Bengal may from time to time direct, and such timber shall not be allowed to pass until it has been examined. The persons in charge will receive a pass in the form shown in Schedule A, and the timber will be a liable to detention, if found afterwards without a pass in any district to which these rules are extended.

25. All timber found adrift or stranded in the rivers, streams, and waters of any District to which these rules may be extended, and which is the produce of any Government forest, will be considered the property of Government, unless proof of ownership be given.

26. Persons who may have saved such drift timber are required to deliver the same to such persons as are authorized by the Conservator of Forests to receive it, on receipt of such salvage rates as may be approved by the Government of Bengal.

27. The Forest Officers shall take possession of any drift timber found in any river or stream, or lying in the bed of any river or stream within any district to which these rules may be extended, as to the ownership of which there may be any doubt ; and the same shall be treated as drift timber under Rules Nos. 28, 29, 30, 31 and 32 below.

1967/a

28. All drift timber collected by Forest Officers shall be stored at such depôts as the Conservator of Forests may from time to time order to be established.

29. From time to time, as the collection of drift timber may render it advisable, public notice, inviting claimants to the ownership of such drift timber to come forward, will be issued at the chief stations of the district, and in the nearest town to the place or depôt at which such drift timber may be lying. These notices shall state the number and description of logs collected.

30. Six months' notice will be given for the reception by the Forest Officer, by whom the notice was issued, of claims to dirft timber, after which, if not claimed, the timber will be sold on behalf of Government.

31. Claims to drift timber must be sent to the Forest Officer by whom the notice was issued, with particulars of marks by which it may be recognised. The said Forest Officer will inquire into the claim. If the claim be a single one, he may, on being satisfied of its validity, release the timber after expiration of the term mentioned in the notice. If the claim be a disputed one, he should endeavour to obtain the formal consent of the claimants to his arbitrating on their claims. Where the dispute cannot be so decided, and there exists any reasonable doubt as to the rightful owner, the Forest Officer will retain possession of the timber until the question of ownership be decided by the Civil Court having jurisdiction in the case. Provided that if no claim be preferred in such court within two months from the date on which the Forest Officer shall declare his inability to settle the dispute, the timber may be disposed of by the Forest Officer on account of Government.

32. Timber awarded to claimants must be redeemed by payment of the salvage rates approved by the Government of Bengal, and other expenses which may have been incurred on account of such timber.

PART V.

Of the prevention of offences and of punishments.

33. It shall be the duty of all Forest Officers to see that these rules are not violated ; and should they in any case be infringed, to arrest the offenders and convey them without delay to the nearest Magistrate or Police Officer in the Division or Sub-Division in which the offence took place.

34. Any person infringing any of these rules shall be liable to be punished by fine not exceeding Rs. 500, or, in default of payment of such fine, by imprisonment for such term as is mentioned in the 6th Section of the Indian Penal Code. But no fine shall be imposed in addition to the confiscation of any timber or other forest produce, or of implements, which may have been incurred under Act VII of 1865.

35. Any marking-hammers or other tools or implements, boats, carts, and cattle used in an act which constitutes an offence against these rules, and all timber that has been marked or obtained in a manner contrary to these rules, or that has not been reported and passed in accordance with these rules, whether entire, or cut up, or sawn up, may be seized by an officer of the Forest Department, or Police Officer, and such tools or implements, boats, carts, cattle and timber may be confiscated by the orders of the Magistrate of the District.

Schedule A.

Form of Pass for foreign timber imported into British territory.

Number.	Date.	Owner or consignee.	Place of destination.	Description of timber.	Timber marks.	Number of logs or pieces.	Total.

Colonel, R. E.

Offg. Secretary to the Govt. of India.

Rev 2/2902/75

Financial DEPARTMENT.

(Forest.)

1967/10

No. 2169.

From R. Knight Esqre,

Assistant Secretary to the Government of Bengal,

To

The Secretary to the Government of Madras,

Calcutta, the 28th June 1875.

Sir,

In compliance with the request contained in your letter No. 1281, dated 18th June 1875, I am directed to forward herewith, two copies of the rules under the Forest Act (Act VII of 1865) for the better management and preservation of the Government Forests in these Provinces.

I have the honor to be,

Sir,

Your most Obdt Servant,

Asstt Secy to the Govt of Bengal,

Rev = 1875: Dyke
No. 26602

From
The Secretary to the
Govt of Madras
Fort St George

No. 2165

Dated 28th June
Rec'd 7th July 3 1875
E. 2

From 2 copies of Rules under Sect VII (Act VII of 1865) for the better management of the Forests of Pegu in the province under the Govt of Madras.

Rec'd 1867. 2 Sept. 1875.

It is requested that in all future correspondence on this subject, the Department, Number and Date may be quoted.

British Burma.

11

Revenue Department.—No. 1919/25
(Forests)

From

E. DARLINGTON, Esquire,
Assistant to the Secretary to the Chief Commissioner.

To The Secretary to the
Government of Madras
Octacamund

Dated Rangoon, 5th July 1875.

Sir, In compliance with the request contained in your letter No. 1201 dated the 18th ultimo, I am directed to forward 2 copies of Rules for the Administration of Forests in British Burma framed under the provisions of the Forest Act VII of 1865.

I have the honor to be
Sir
Your most obedient servant

John Darlington

for Assistant to the Secretary

Rev: 1875: Dept
No. 2722

From

The Asst Secy to the
Chief Commissioner
British Burmah
Rev Dept
No. 19/25

Dated 3d
Recd 14th 3 July/75
E. 2

Forwg 2 copies of Rules
for admission of Pleaders in B. Burmah
framed under provisions of Act VII
of 1865.

Ack

Sl No. 1967. 23 September 1875

RULES

FOR THE

ADMINISTRATION OF FORESTS

IN

BRITISH BURMA.

RANGOON:

PRINTED AT THE "CITY" PRESS.

1875.

13

RULES

FOR THE

ADMINISTRATION OF FORESTS

IN

BRITISH BURMA.

RANGOON.

PRINTED AT THE "CITY" PRESS,

1875.

No. 15 F.

REVENUE.—FORESTS.

The 2nd August 1865.

Notification—The following Rules for the better management and preservation of the Government Forests in British Burma, drawn up under Act VII of 1865, have been confirmed by the Viceroy and Governor-General in Council, and are, in accordance with Section 6 of the Act, published in the *Gazette of India*:—

RULES.

FOR THE

ADMINISTRATION OF FORESTS.

IN

BRITISH BURMA.

CHAPTER I.

INTRODUCTION.

Forest Rules—their object.

The following Rules are published for the administration of the Government Forests in British Burma, and for the management of foreign and drift timber:—

Limits of the Forests.

II. The Government Forests of British Burma are bounded and limited as follows:—

FIRST.—*Forests between the Irrawaddie River and the range of hills East of the Sittang River.*

These forests comprise the hills and valleys of the Pegu Yoma range, and are bounded as follows:—

On the West by a line passing from the station of Meaday through the points of junction of the following streams:—

Boolay and Pudday,
North and middle Nawing;

thence to the head waters of the Meimakah River, East of Prome, and along that river to the mouth of the Myoungdagah Khyoung in the Rangoon District.

On the South by a line drawn from the mouth of the Myoungdagah Khyoung across to Pegu town.

On the East by a line drawn from Pegu town to Bawnee village, thence to Kanyinokdoh village between the Binedah and Yainway streams, thence to the junction of the Woon and Koon streams, and thence across the Sittang River to Kyoukee town, and to the hills between the Sittang and Salween Rivers, and along the line of watershed between the Sittang and Salween Rivers, to the Northern frontier line.

SECOND.—*The Forests in the Tenasserim Division of British Burma.*

1. The Beeling Forests above the village Phawota on the Beeling River.
2. The Yoonzaleen Forests above the village of Kadinetitat on the Yoonzaleen River.
3. The Domdamee Forests above the junction of the Domdamee stream with the Salween River.
4. The Thoungyeen Forests between the hills bounding the Thoungyeen valley on the South West, and the Siamese boundary line.
5. The Attaran Forests above the junction of the Zimmay and Winyeo Streams.

III. The Officers appointed for the administration of the forests are :—

Officers appointed to carry out these Rules.

1. The Conservator of Forests.
2. His Assistants, *viz.*, the Deputy and Assistant Conservators, and the Native Forest Assistants.
3. Subordinate officers, *viz* : Goungs, Goungwais and Peons, both in the forests and at the timber stations.

The administration of the forests throughout the whole Province of British Burma, shall be vested in the Conservator of Forests.

The administration of one division or sub-division of the forests, shall be vested in a Deputy or Assistant Conservator.

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IV. There will be a subordinate Forest Officer in charge of every Government Forest District. He must live within or close to the forests. He will be expected to be thoroughly acquainted with every part of the forest and whatever happens therein. In cases of unauthorized felling or other breach of the Forest Rules, it will be his duty to report the occurrence immediately. It will further be his duty to prevent, by all means in his power, the continuance or repetition of the acts constituting the breach. He will seize all wood, or other forest produce, unlawfully cut or removed, which he may find in the forests. He will use every lawful means for the defence of the property entrusted to his charge. He will be held responsible that no Teak trees, but those selected by the Conservator or his Assistants, are felled.

Duties of Subordinate Local Forest Officers.

V. No Forest Officer shall engage in any employment or office whatever, other than his duties under these Rules, unless expressly permitted to do so, in writing, by the Conservator of Forests.

Forest Officers not to engage in other employ.

CHAPTER II.

OF TEAK TREES AND TREES OF OTHER KINDS.

VI. No person is permitted, without orders from the Conservator or his Assistants, to mark, girdle, or fell any Teak trees, large or small, to cut or to break off branches from Teak trees, or to injure them in any way.

Teak trees—how protected.

VII. The felling and dragging of timber must be done in such a manner as not to break or injure any Teak trees. Owners of elephants are responsible for any injury done by their animals.

Precaution to be taken in felling and dragging of timber.

VIII. No Government Teak Forests may be sold, and no grant of land may be given within the limits of a Government Teak Forest, without the special sanction, in every instance, of the Government of India with the exception mentioned below. Nor shall any lease

Sanction of Government of India required for sale and lease of forests.

be given for any Government Teak Forest, which includes the permission to girdle or otherwise to kill or fell green Teak trees, without the special sanction, in every instances, of the Government of India. In forests thus leased, grants of waste land may be given without the special sanction of the Government of India. But the grantee will be bound, over and above the price of the land, to pay to the lessee of the forests, an indemnification for every tree above a certain size standing on the land at the time the grant is made. The rate of this indemnification to be the same as the rate paid to Government by the lessee for the timber under his lease.

IX. No Toungya is to be formed on any spot on which stand Teak tress, large or small, green or seasoned, without the permission of the Officer in charge of the Forest District. It shall be lawful for the Chief Commissioner to exempt certain Forest Districts from the operation of this rule, and also to cancel the order of exemption at any time.

Toungyas where prohibited.

X. All Teak timber which may be lying in a place selected for a Toungya, must be protected against destruction by fire. The cultivators of the Toungya will be held responsible for all injury done to such Teak timber by fire.

Teak in Toungyas to be protected from fire.

XI. Whoever sets fire to any Teak Forest, or causes the conflagration of a Teak Forest, is liable to punishment under the Indian Penal Code. Travellers will be held responsible for the extinction of their camp fires, and Toungya cultivators must, to the best of their ability, prevent the spread of Toungya fires into Teak localities.

Setting fire to Teak Forests prohibited.

XII. All trees (except Teak) as also bamboos are free. But it shall be lawful for the Chief Commissioner to authorize the levying of duty or the felling, cutting, or otherwise using of trees of other kinds; as also of prohibiting these being felled, cut, tapped, or in any way made use of, if they are below a certain size. It shall also be lawful for the Conservator of Forests or his Assistants to prohibit the felling, cutting, or otherwise using of any trees which they may have marked or girdled.

Other trees and bamboos are free, with certain exceptions.

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CHAPTER III.

Of Reserved Forests.

XIII. Certain tracts of forest land or waste will be reserved as the exclusive property of the State. Such waste or forest lands will be termed "*Government Reserved Forests.*" Unauthorized felling, cutting, marking, killing or injury of trees, shrubs or bamboos, or the collection of leaves, wood-oil, resin or other forest produce within the limits of the Government Reserved Forests, or any act which violates the rights of the State as proprietor of these forest lands, will be punished. Toungya cultivation, and interference of any kind with the ground or its produce, without the special permission of the Officers in charge of the Government Reserved Forests, is prohibited. The right of using existing roads through the Government Reserved Forests, will be free, if compatible with the conservancy of the forests. But the Conservator of Forests, with the sanction of the Chief Commissioner, shall be at liberty to close any existing roads through a Reserved Government Forest, wherever he may deem it requisite to do so.

Reserved tracts defined.

XIV. The boundaries of each Government Reserved Forest will be marked off as the Chief Commissioner may direct. Where the boundary is not an established road, the bed of a river or other line easily traced, a path at least 6 feet wide must be cleared through the jungle along the whole boundary line, and the marks should not be more than 200 yards apart. A proclamation must be issued and published in the nearest villages within a month of the final demarcation of the forest, stating in a general way the boundaries of the forest, and warning against trespass, theft or mischief. It shall ordinarily be the duty of the Deputy Commissioner of the District to issue this proclamation. A copy of it is to be deposited in the Office of the Deputy Conservator of the District.

Demarcation and boundaries of Government Reserved Tracts.

The Officer in charge of a Government Reserved Forest must, twice a year, after the close and before the commencement of the rains go along the whole of his boundary lines and state in his report the state of the boundary lines and marks.

It is the duty of the Officer in charge of a "Government Reserved Forest" to report immediately every encroachment of the boundaries of his forest.

Demarcation of villages within Reserved Tracts.

XV. Should villages be situated so as to be surrounded on all sides by a Government Reserved Forest, the boundaries around their lands must be demarcated in the same manner as the boundaries of a Government Reserved Forest; or should the villages be merely temporary settlements, they be allowed to remain for a period not exceeding three years, under such conditions as the Conservator of Forests and the Deputy Commissioner of the District may determine under approval of the Chief Commissioner.

But no cultivation, by clearing or burning the jungle, is, on any account, to be permitted within the boundaries of a Government Reserved Forest.

Reserved Tracts Procedure.

XVI. The Conservator of Forests, or any Deputy Conservator in charge of a Forest Division, may reserve any tract in the forests not exceeding one hundred acres, provided such tract does not contain houses or cultivation. Forests of a larger size can only be reserved by the Chief Commissioner. The procedure to be observed in the reservation of forest tracts is described in Schedule I. The Chief Commissioner may at any time sanction alterations in the rules of this Schedule.

CHAPTER IV.

Of the use of Streams and Canals, of Marking Hammers and management of Drift Timber.

Streams and canals to be blocked up.

XVII. The right of floating timber by natural streams and artificial canals in British Burma is reserved in all cases, subject to the control of the District Officer and other Government authorities. A list of streams, in each district which may neither be closed nor blocked up, partially or entirely, for fisheries, irrigation or other purposes, is given in Schedule II. The Chief Commissioner may at any time add streams to this list. The throwing in of Toungya refuse into these streams is prohibited.

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Poisoning of streams may be prohibited.

XVIII. The Chief Commissioner may prohibit the poisoning of streams for the purpose of fishing in any division of the forests.

Teak timber—how protected.

XIX. No Teak timber which is subject to the control of the Forest Department, or found adrift in the creeks and rivers of the country, shall be marked, neither shall any mark on it be effaced. It shall not be converted, reinto pieces, nor burnt; neither shall it be concealed, cut moved, nor disposed of by sale or otherwise without orders from the Conservator of Forests or his Assistants.

The marking of timber—where prohibited.

XX. The use of marking hammers, except by an order of an Officer of the Forest Department, on the rivers enumerated in Schedule III., and on such other rivers as the Chief Commissioner may direct, is prohibited.

Government Teak timber—how to be disposed of.

XXI. The disposal of timber from the Government Forests of British Burma, either by sale or gratuitously for the common public benefit, will take place according to the regulations of Schedule IV. The Chief Commissioner may, from time to time, amend these regulations.

Marks and Passes for Government timber sold.

XXII. All timber disposed of by the Forest Department will be stamped with such mark or marks as the Conservator of Forests may, from time to time, direct; and the purchasers or grantees will, on application, receive a Pass in the form exhibited in Schedule V.

Foreign Teak timber—how to be dealt with on the Irrawaddie and Sittang Rivers.

XXIII. Foreign Teak timber when brought across the frontier on the Irrawaddie and Sittang rivers, must be reported at such stations as the Chief Commissioner may, from time to time, direct. Such timber will receive a Pass in the form exhibited in Schedule VI.

Teak timber brought to Maulmain—how to be dealt with.

XXIV. All Teak timber which is brought down the Salween, Beeling, Attaran, or any other rivers to Maulmain, whether from beyond the frontier or from the forests in British Territory, must be reported and passed in the manner described in Schedule VII.

XXV. All Teak timber which is brought to Rangoon or Bassein will be examined at the river stations named in Schedule VIII. No rafts of timber shall leave or pass these stations without an order from the Forest Department.

Teak timber brought to Rangoon and Bassein.

XXVI. All drift and unclaimed Teak timber within the Province of British Burma, will be considered the property of Government, unless proof of ownership be given according to Rules XXXI., XXXII, and the provisions of Schedule VII.

Drift timber—the property of Government.

XXVII. Scales of salvage for the different parts of the country are given in Schedule IX. They may be altered by the Chief Commissioner. Notifications exhibiting these rates will, from time to time, be published for general information.

Scales of salvage for drift timber.

XXVIII. Permission to parties wishing to collect their own timber which may have gone adrift, will be granted on application at the discretion of the Conservator of Forests or such Assistants as he may authorize to give this permission. The permit will be made out according to form in Schedule X. These permits must show the marks which should be on the timber, and the holders will only be permitted to take away such logs as bear these marks.

Permission to save drift timber—how given.

XXIX. Parties who have saved Teak timber are bound to deliver the same, on receipt of salvage money, to such persons as are authorized by the Conservator of Forests to receive it.

Parties who have saved drift Timber—how to act.

XXX. At the stations of Rangoon, Prome, Toungoo and Maulmain, and at such other stations as the Conservator of Forests may direct, notices shall be published on the last day of every month, stating the number and description of pieces of drift timber brought in during the month.

Monthly notices of drift timber brought in, to be issued.

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XXXI. Not less than thirty days notice will be given for the reception of claims to the ownership of drift timber by the office from which the notice was issued, after which, no claimant appearing, the timber, with such exceptions as are provided for in Schedule VII., will be sold on account of Government. Claims for drift timber must be sent in with full particulars and according to form given in Schedule XI.

Notices inviting claimants to come forward.

XXXII. All such claims will be decided by the Conservator of Forests, or such Officers as he may authorize so to do, provided however that they shall be at liberty to decline to arbitrate regarding such timber, in case they may see fit so to do, and refer claimants to the Civil Courts.

Claims to drift timber—how decided.

XXXIII. Timber awarded to claimants must be redeemed by payment of the salvage and other expenses which may have been incurred on account of such timber.

Claimed timber—how redeemed.

CHAPTER V.

Procedure and Penalties in case of a breach of these Rules.

XXXIV. It is the duty of the Forest Goungs, Goungwais, and Peons of the Department, and of all Police Officers, to see that these Rules are not violated; and should they in any case be infringed, to report the same without delay to the Forest Officer in charge of the division or sub-division in which the offence took place; and it shall be lawful for any Forest or Police Officer to take into custody, without a warrant, any person who hinders or obstructs him in the discharge of his duties under these Rules, provided that the person thus apprehended be brought before a Magistrate within three days from the date of his apprenhension.

Duty of Forest Department Subordinates to report breach of these Rules.

XXXV. Any person who infringes any provisions of the Forest Rules, or any subordinate of the Forest Department who wilfully neglects his duty will be liable to imprisoment, without labor, for a term not exceeding six months, or to a fine not exceeding two hundred Rupees, commutable, if not paid, to imprisonment for a term not exceeding six months without labor. In cases where the infrigment involves fraud or theft, or any other offence provided in the Penal Code, the offender will be liable to be proceeded against in a Criminal Court, under the provisons of the Penal Code.

Penalty for breach of Forest Rules.

XXXVI. Any axes, dahs, marking hammers, or other tools or implements used in an act which constitutes an offence against these Rules and all timber that has been marked or obtained in a manner contrary to these Rules, or that has not been reported and passed in accordance with Rules XXI. to XXIV, and Schedules V. to VIII, whether entire or cut up, or sawn up, may be seized by any Officer of the Forest Department or Police Officer, and such tools or implements and timber may be confiscated by the orders of the Magistrate of the District, or any Forest officer exercising the powers of a Magistrate, or a Subordinate Magistrate.

Tools, timber, and other articles may be confiscated.

XXXVII. The Conservator of Forests shall have the powers of a Subordinate Magistrate of the 1st Class, but shall exercise those powers subject to such limitations as may, from time to time, be imposed by the Chief Commissioner.

Powers of the Conservator of Forest under these Rules.

XXXVIII. The Chief Commissioner may vest any Deputy or Assistant Conservator of Forests with the powers of a Subordinate Magistrate of the 1st Class, subject to such limitations as he may deem proper.

Powers of the Deputy and Assistant Conservators.

XXXIX. All cases of violation of these Rules may be tried and determined by the Magistrate of the District, by the Conservator of Forests, or any Deputy or Assistant Conservator who may have been vested with the powers of a Magistrate, or a subordinate Magistrate. The mode of procedure in the trial of forest cases will be that provided in Act XXV., of 1861.

Procedure in cases of violation of there Rules.

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XL. The appeals against the decision of the Conservator of Forests while exercising the powers of a Magistrate under these Rules, will lie to the Court of the Commissioner of the Division where the offence was committed. And the appeal against any decision of a Deputy or Assistant Conservator of Forests acting as a Magistrate under these Rules, will lie to the Court of the Deputy Commissioner of the District.

Appeals where to lie.

A monthly Register of all cases tried and determined by each Forest Officer in any Division or District of a Deputy Commissioner, is to be submitted to the Appellate Court. The Register is to be kept in the form given in Schedule XII.

SCHEDULE I.

On the procedure to be observed in setting apart Reserved Forests.

1. Whenever a Forest Officer proposes to reserve a forest tract, he shall personally go round and through it to ascertain its natural boundaries, and hold a valuation survey of it.

2. A report containing full particulars regarding the tract, whether any inhabitants are included within it, and the reasons for reservation, together with a map of the district showing the exact situation of the tract in question (a sketch map two miles to the inch if no district map exists,) shall be forwarded to the Deputy Commissioner of the District, who will attach his opinion to the report and forward it through the Commissioner to the Conservator of Forests, who will submit it to the Chief Commissioner for his final orders, after attaching any remarks he may have to make.

3. The Deputy Commissioner, should he see no objection to such reservation, will, on receipt of the report from the Forest Officer, issue immediate instructions to prevent the cutting of Gardens and Toungyas within the locality which it is proposed to reserve, pending the final orders of the Chief Commissioner.

4. The Chief Commissioner will pass orders on the report, and if he approve of the tract being reserved, the Forest, Officer will proceed finally to demarcate it in accordance with Rule XIV.

SCHEDULE II.

STREMS WHICH ARE TO BE KEPT OPEN UNDER RULE XVII.

Rangoon District.

The Pegu or Zamayee River down to Pegu town, and all its tributaries.
Pounglin and all its tributaries.
Mayzellee and all its tributaries.
Thayet ditto.
Thaibew ditto.
Magayee ditto.
Oakkan ditto.
Thongzai ditto.

Myanoung District.

Beeling and all its tributaries.
Wayhla ditto.
Tanapo ditto.
Mokkha ditto.
Minhla ditto.
Tsapoke ditto.
Tymyoke ditto.
Myoung ditto.
Kadet ditto.
Gamoung ditto.
Toung choung ditto.
Boben ditto.
Mimboo ditto.
Toungyoh ditto.
Shway-lay ditto.
Meimakah or Hline River from Tsannay up to Engmah.

Prome District.

Nawing and all its tributaries.
Boolay including the Choung Goungyee, the Puddaay, and all their tributaries.
Keenee and all its tributaries.

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Partly Rangoon District and partly Toungoo District.

Kawleyah and all its tributaries.
Binedah ditto.
Pyoontazah and Yainway ditto

Toungoo District

Koon and all its tributaries.
Phyoo ditto.
Ngagyat ditto.
Kwaymathay ditto.
Khaboung ditto.
Swah ditto.
Myolah ditto.
Bimbyay ditto.
Gwaythay ditto.
Koonoung or Shwaydoyah ditto.
Kannee ditto.
Thoukyaghat ditto.
Youkthawah ditto.
Moong ditto.
Padah ditto.
The Sittang River above Toungoo town.

SCHEDULE III.

Names of rivers on which the use of making Hammers is prohibited within the British territory.

The Salween River.
The Sittang River.
The Pegu River at and below Pegu town.
The Poozoondoung River below Kyoongalay village.
The Meimakah, Hline, and Rangoon Rivers.
The Irrawaddie River and its branches, including the Bassein River.

SCHEDULE IV.

Exhibiting the rules under which Government timber, in the Province of British Burma, may be disposed of.—

1. By public auction sales at stations or in the forest. At all public sales one portion of the payment (not less

than twenty per cent on the amount) is to be made on the day of sale either in cash, public securities, or promissory notes, and the balance within a term not exceeding three months after the day of sale. No timber to be delivered before payment in full shall have been received ; but the timber to be at the risk of the purchaser from the moment it is knocked down.

2. By private sales on indent approved of by the Conservator of Forests or the chief Forest Officer at the station, or in the division where the sale is held.

Private sales shall not be effected at the rates below the average rates realized at the public sales of the preceding year, unless by special order from the Conservator of Forests.

No private sale of Government timber is to be considered as concluded, and no timber is to be delivered on account of the same, unless the full amount of the purchase money is paid to the Forest Officer conducting the sale.

3. By sale of the seasoned timber standing or lying in a certain Forest District, to Permit or Lease-holders. This timber remains the property of Government until the full amount of purchase money is adjusted. These sales hold good for a certain period. Timber not brought out within the time fixed, whether paid for or not, remains the property of Government. Sales of timber under this Rule are not ordinarily to concluded for a longer period than three years.

4. By grant gratuitously to parties residing in the district, near the forests, and at a distance from the principal rivers, for the erection of buildings for the common benefit of the public as Christain churches or chapels, schools, kyoungs, zayats, bridges, &c. Applications for the timber under this Rule may be made to the Conservator of Forests, or his Assistants. Final orders regarding such applications granting timber for these purposes or otherwise, will be issued by the Conservator of Forests, or by such Assistants as he may specially empower so to do. Timber granted under this Rule will be pointed out to the grantees by the Forest Goungwais. The grantees must fell and remove the same to the place where the timber is to be used, within a fixed time.

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Timber for these purposes will be given gratuitously, but on a certain date, which will be mentioned on the grant, this document must be returned to the Assistant or Deputy Conservator of Forests in charge of the division, with an account showing how it has been used. Should it not have been expended for the purposes specified in the application, the timber will revert to Government ; and the parties who received the grant, will, if they should have applied the timber to other purpose, be liable to punishment under the Forest Rules.

SCHEDULE V.

Form of Pass for Timber sold by the Forest Department.

No.	Date.	Owner or Consignee.	Place of Destination	Description of Timber.	Timber Marks.	No. of logs or pieces.	Total.	Remarks.

SCHEDULE VI.

Form of Pass for Foreign Timber imported into the British Territory.

No.	Date.	Owner or Consignee.	Place of Destination.	Description of Timber.	Timber Marks.	No. of logs or pieces.	Total.	Amount paid on account of Duty.	Amount still to be paid.	Where to be paid.

SCHEDULE VII.

Rules for the management of the Kadoe Revenue Station.

1. All timber passing down the Salween and Attaran Rivers must be reported at the Kadoe Revenue Station, within seven days of its arrival, failing which, on discovery, it will be liable to pay double duty before the timber is cleared.

All timber to be reported at Kadoe within seven days.

2. Attaran timber to be declared for duty at the Nantay Station where it will be passed, all other timber to be declared for duty at Kadoe.

Attaran timber declared for duty at Nantay.

3. The report must contain full particulars regarding the timber, its position at the station, number and description of logs, their marks, and other particulars. Owners of timber or their agents who give incomplete or incorrect reports, render themselves liable to punishment under the rules for the administration of forests.

Report to contain full particulars.

4. The reports will be open to public inspection for seven days, before a certificate of registry will be granted. Copies of the reports will be forwarded daily to the Maulmain Office for public inspection.

Report open for inspection for seven days.

5. After the lapse of seven days, the Officer in charge of the Revenue Station will grant a certificate, and will mark each log with such marks as may from time to time be directed, except in the case of an incorrect report, when a fresh report will have to be made under Rule I., before certificate of registry will be granted. No timber will be passed without a certificate.

Granting of certificate.

6. The following rates of duty are to be paid before the timber can be allowed to leave the station :—

Rates of duty to be paid.

	Rs.	As.	P.	
For logs of and above 5 feet in girth	2	12	0	₱ log
For logs of and from Attaran ...	4	0	0	do.
For logs below 5 feet in girth ...	1	6	0	do.
Ditto from Attaran	2	0	0	do.

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	Rs.	As	P.	
Stem pieces...	0	9	0	₱ log
Ship crooks	0	4	0	do.
Boat do.	0	1	0	do.
Small do.	0	0	6	do.
Small pieces	0	2	0	do.

On the payment of these rates the timber will be passed and marked with the Pass Hammer of the Timber Revenue Station. In measuring timber the middle girth must be taken.

7. All timber which passes the limit of the Revenue Stations without the Pass marks of the Forest Department, is liable to be seized and confiscated.

Timber passing limit of stations unmarked, liable to confiscation.

8. All duty must be paid and timber removed within two years of date of certificate, failing which it will be advertised and sold to recover the duty and clear the depôt.

Two years allowed for payment of duty, and removal of timber.

9. Time which has been passed must be removed within one month, or be subjected to a fine of eight annas per log per day during one month, after which, if not removed, notice will be given by advertisement, and the timber removed from the limits of the station, at the risk and expense of the owner. If from any natural cause beyond the control of the owner, it is impossible to remove the timber within the period named, application should be made to the Revenue Officer who will pass special orders in the case.

Time allowed for passed timber to remain at depôt.

10. The time for the removal of timber from the station is from sun-rise to sun-set, and no timber must be removed at any other time without special permission from the Revenue Officer, who will judge of the necessity of the case. Breach of this rule will be punished under the Forest Rules.

Timber when to be removed.

11. Timber from the Government Forests will be passed by the Timber Revenue Officer upon a certificate granted by the Forest Officer showing that the Forest Revenue has been adjusted.

Timber from Govt. forests—how to be passed.

12. Parties wishing to transact business through Agents must duly appoint these Agents as required by law. The names of Agents must be registered at the Revenue Office.

Agents—how appointed.

13. All timber on which marks have been purposely obliterated by fire, or otherwise obliterated or defaced, will be retained by the Kadoe Revenue Department, and be treated as drift timber under Rules 27 and 28 of this Schedule.

Obliterations of marks—how punished.

14. Government to have a lien on all timber, whether decreed by the Civil Courts or not until payment of all Government demands on the timber has been made.

Lien on timber to be held by Government.

15. Timber brought to the Revenue Station is not to be placed in any part of the channel on the East side of the Koutsing Island. Any timber found lying there will be removed at the risk and expense of the owner.

Channel where timber is not to be placed.

16. Parties desiring to have river frontage allotted to them at Kadoe for placing and collecting their timber, must apply to the Revenue Officer who will pass the necessary orders. The portion allotted will be registered in the office, and the application must be renewed on the first of January of every year.

River frontage at depôt—how obtained.

17. Timber owners wishing to collect and mark their timber at the Kyodan, must register their marks and hammers at Kadoe.

Marks and Hammers to be registered.

18. After the receipt of certificate of registration, the timber may be stamped by purchasers at Kadoe, but the marks or stamps put upon it must be reported at the office either in Maulmain or Kadoe, to be entered in the original certificate which should bear a complete record of all marks on the logs entered in it.

Certificate to contain all marks put upon timber.

19. A fee of ten Rupees must be paid for every mark or hammer registered at the Kadoe Revenue Office, and a certificate will be granted on payment of fee.

Fee for registration of hammers.

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20. This registration to hold good for two years, that is to say, from 1st May in each year to 1st May of the second year, when parties are required to register their hammers, either in person or by duly appointed Agent.

Registration to extend over 2 years.

21. Breaches of these Rules by subordinates of the Forest Department and others, will be punishable under the Rules for the administration of the forests in British Burma.

Breaches of Rules—how punished.

22. Appeals from the decisions of the Kadoe Revenue Officer shall lie with the Deputy Conservator in charge of the Salween Division, and from the latter with the Conservator. Appeals from the decision of the Conservator of Forests shall lie with the Chief Commissioner.

Appeal—where to lie.

23. In the absence of the Conservator of Forests or Deputy Conservator from Rangoon or Maulmain, an appeal from the orders of the Kadoe Revenue Station Officer shall lie with the Deputy Commissioner of the District of Amherst, who will pass orders, should he consider it necessary to do so, after inquiry into the matter. Such orders may be appealed from to the Commissioner, Tenasserim, whose orders shall be final.

Appeals in special cases—where to lie.

24. Parties who have salved timber, below Kadoe must bring it to one of the Government Drift Timber Depôts, reporting their having done so with full particulars, at the Forest Office, Maulmain, where the amount of salvage, at per Schedule IX., will be paid to them on the timber being taken charge of.

Drift timber, below Kadoe.

25. Parties who have salved timber above Kadoe must bring it to one of the stations mentioned in Schedule IX, where they will be entitled to receive the salvage due.

Drift timber above Kadoe.

26. Salvage of timber below Kadoe will be in the hands of Salvors (not to exceed four in number), to be named by the Trade and approved of by the Forest Department, who will issue a "Letmhat" to each, and register their names in the Forest Office. These "Letmhats" will be cancelled by the Forest Department on sufficient grounds being shown.

Salvors to be appointed for salving of drift timber.

Ownership to drift timber arriving at Maulmain—how to be proved.

27. All drift and unclaimed timber coming down the Salween, Beeling, Attaran, and other rivers to Maulmain, will be considered the property of Government, unless proof of ownership be given within the time provided in Rule 28.

Regarding time allowed for claim.

28. Monthly notices will be issued of the number of drift logs brought in during the month. List containing the description of the logs and their marks (so far as they have been ascertained), will be open for inspection at the Kadoe and Maulmain Offices. Claims to drift timber will be admitted up to date of preliminary notice of sale.

Regarding public sales of drift timber.

29. Public sales of drift timber (should sufficient have been collected to render a sale advisable) will take place every six months, on the 15th January and 15th July in each year. At these sales no timber will be sold, the receipt of which has not been publicly notified, inviting claimants to come forward under Rule 28, six months previously.

Logs found beached to be treated as drift timber.

30. Logs found beached, or aground below the mouth of the Attaran, and not in charge of any person, will be considered to be drift timber and treated as such.

SCHEDULE VIII.

Names of River Stations where all Timber will have to stop to be examined.

Rangoon Station.

Timber arriving from the Sittang River.	At the mouth of the Poozoondoung Creek.
Timber arriving from the Irrawaddie River.	At the mouth of the Tsan Khyoung, below Kemendine.

Bassein Station.

Timber arrived at Bassein must stop above the town at such a place as the Collector of Timber Revenue may direct.

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SCHEDULE IX.

Rates of Salvage for Timber saved from the undermentioned Rivers:—

		Rs.	As.
I.—Sittang River Station above and including Kyassoo ...	per log	3	0
If brought to Rangoon	„	6	0
II.—Irrawaddie River Stations above and including Henzadah	„	2	0
If brought to Rangoon or Bassein	„	4	0
III.—Hline, Pegu, and Pounglin Rivers, also Rangoon River from and above Monkey Point, delivered at Government Depôt	„	2	0
Below Monkey Point and lying on Sea shore, delivered at Government Depôt, expenses incurred to be paid.			
One-half only of the rates set down will be paid for drift timber saved, but not brought into Government Stations and made over to Forest Officers.			

Salween River.

Below Kadoe.

Between Kadoe and Battery Point Depôt.	„	3	6
Between Battery Point Depôt and Kulwee Channel	„	7	0

Above Kadoe.

At Kyodan	„	0	4
„ Kamanlay	„	0	8
„ Koman or Komoung ...	„	1	0
„ Meebong to Pahan	„	2	0
„ Kadoe	„	3	0

For logs in length below twelve cubits, or in girth below two cubits, and for logs that are burnt or otherwise of inferior value, reduced rates will be paid.

SCHEDULE X.

Form of Permit to collect Drift Timber.

_____ is permitted to pay salvage on, and collect the logs which bear the marks entered below in this Permit.

Timber marks.

KADOE, _____

_____ 18 .

N. B.—This Permit is good only up to the 1st January 18 .

For salvage rates, see back of Permit.

SCHEDULE XI.

Form in which claim for Drift Timber must be prepared.

_____ claims _____ logs of drift timber lying at _____ as per description and marks entered below :—

Depôt No.	Description and number of logs.	Marks.	Orders of Revenue Officer and Remarks.

The _____ 18 .

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SCHEDULE XII.

Register of Forest Cases tried and decided by Forest Officers.

18 .

Number of Register.	Name, residence, and occupation of the accused.	Date and locality when and where the offence was committed.	Nature and description of offence.	Nature of evidence.	Date of sentence.	Sentence.	Commutation of punishment.	REMARKS.

Rsw 1/2722/17

No. 1827.

28

From Captain H. J. Peet
Asst SECRETARY TO THE CHIEF COMMISSIONER OF ASSAM,

To The Secretary to the Government,
Madras.

Dated Shillong, the 6th July 1875.

Issued 8th

Revenue Department.

Sir,

In reply to your letter No. 1281 dated 18th June 1875, Revenue Depart., I am directed to say that as yet no separate Forest rules have been issued for Assam. The Province is under the Bengal Rules dated 16th February 1871, published at page 128, Part I, Gazette of India, dated 25th Idem.

2. The Chief Commissioner is however proposing certain amendments. If they are sanctioned by the Supreme Govt. a copy of the new rules will be sent to the Government of Madras.—

I have the honor to be,
Sir,
Your most obedt. servant
H Peet
Assistant Secretary.

S. K. Singh 6/7

By Rs: 45588.
D/- 13-7-75

№ 121 F/Cy/1875.

Govt. N.W.P. & W. Deptt.

Forests.

Dy Nainee Tal the 13th of July 1875.

To

The Secretary to the Government
of Madras.

Sir

With reference to the letter from your Office № 128/d/18th June last to the address of this Government in the General Department I am directed to inform you that the revised rules for the management and preservation of Government Forests in the N.W. Provinces framed under Section 3 of the Forest Act VII of 1865 are under consideration and that a copy thereof will be forwarded when they are sanctioned.

I have the honor to be
Sir
Your most obedient servant
Claytan Beauchamp
Capt R.E.
Asst Secretary

Rec'd: 1875: Dept
№ 2830.

From
The Chief Secy to the
Chief Commr of Assam
№ 1027.

Dated 6th
Rec'd 21st } Aug 75

Submitted, with thanks
that no yoke ins appear to have been issued for Assam.

Dehra 19th Aug 75

Revenue Dept

1967

30

Proceedings of the Madras Government

Under date the 23rd Septr 1870

And the following papers

From Secy to Govt Revenue Dept - Bombay.

Stating, in reply to letter of 12th ult
June/75, that Act XIII of 1865 has not been
extended to the Bombay Presy ——— } 14 - E. 24 : June/75 to 355

From Secy to Govt Chief Comm Central Provinces

Forwg a copy of the Trust Rules - } " 28 : — : — : — 2278/180
Central Provinces - framed under Sec : 3 Act XIII of 1865 -

From Secy to Govt of Bengal

Forwg 2 copies of Rules under the } " 28 — : — : — 2169
Act XIII of 1865 for the better management of Funds
&c. for Sirs in the provinces under the Govt of Bengal

From Secy to Chief Comm British Burmah

Forwg 2 copies of rules for admn of } " 3 : July — : — 15/25
Estates in B. Burmah framed under provisions of Trust Act
for 1865 —

From Secy to the Chief Comm of Assam

Intimating, with remarks, that } " 6 — — 1827
no yet no separate Trust Rules have been framed for Assam

From Secy to the Govt of the N.W. Provinces

Intimating that the united Trust Rules } " √13 — — 121 &c.
N.W.P. framed under Sec : 3 Act XIII of 1865 are under con-
sideration, and that a copy of these will be forwarded when
sanctioned ———

Ordered that

the

From Secy to Govt N.W. Provinces
Dated 13th Oct 1865
Rect 22nd July/75

Intimating that the united Trust Rules
Trust Rules. N.W.P. framed under
Sec 3 Act VII of 1865 are under
consideration, and that a copy of
be forwarded when sanctioned.

8/75

Oct 1865. 23 Despatch No 1875

The foregoing papers to
communicated to the Presidt
of the Committee for the
preparation of a Draft
Trust Bill

