

(1) Number of pages 98

(2) Date of repair 3-4-62

(3) Initials of the Referencer my

MADRAS RECORD OFFICE

Government of Madras

Revenue. DEPARTMENT

G.O. No.	<u>441-441A</u>	Press
B.P. No.		Mis.
Dated	<u>8.6.1886.</u>	<u>195.</u>

Not to be folded or roughly handled

8TH JUNE 1886, Nos. 441A, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88 :—

Read—the following letter from A. W. PEET, Esq., Acting Conservator of Forests, Northern Division, to the Secretary to the Board of Revenue, dated Siddepalli, 28th January 1886, No. 2077 :—

I have the honor to forward a copy of an office note* by the Conservator, Southern Division, which, for some unexplained reason, has reached me only to-day.

* No. 2028, of 11th January 1886 (enclosing copy of office note, No. 2029, of the same date).

2. Reference to paragraph 5 of Board's Proceedings, No. ³²¹⁸ Forest 648, dated 24th November 1885.—I agree that a monthly progress report giving details is more satisfactory than a mere tabular form, and have no improvement to suggest in the form of the abstract register of claims.

ENCLOSURES.

OFFICE NOTE from Lieutenant-Colonel I. CAMPBELL WALKER, Conservator of Forests, in charge of Southern Division, dated Kadaiyanallur, 11th January 1886, No. 2028.

Reference—Paragraph 5 of Board's Proceedings, No. ³²¹⁸ Forest 648, of 24th November 1885, requesting Conservators to draw up, in consultation with each other, a tabular form of progress report regarding forest settlement.

I presume that it is intended that the report shall be submitted to the Board by Forest Settlement officers monthly, and observe that in their Proceedings, No. ¹⁵⁷⁴ Forest 293, dated 29th May, the Board prefer the narrative form to a "bare figured statement."

I am much averse to multiplying forms and returns, and concur with the Board in preferring the narrative form as submitted by Messrs. Wolfe-Murray and Castle Stuart Stuart containing a "full description of the month's work."

I submit, therefore, that, if the Board instruct Forest Settlement officers accordingly, requiring each tract under settlement to be dealt with separately and prescribe the form of abstract register referred to in a separate note (sent herewith), which, or an extract, can be called for at any time, all the information necessary will be supplied.

OFFICE NOTE from Lieutenant-Colonel I. CAMPBELL WALKER, Conservator of Forests, in charge of Southern Division, dated Kadaiyanallur, 11th January 1886, No. 2029.

Reference—Rules to regulate the procedure of Forest Settlement officers under section 63 (b) of Act V of 1882 (G.O., No. 970, Revenue, dated 27th August, and Board's Proceedings, No. ³⁴⁰¹ Forest 307, of 26th September 1884).

In connection with the above and the Board's call for a tabular form of monthly progress report, certain omissions and discrepancies in the rules have been brought to my notice by Mr. Castle Stuart Stuart, with whom I had the advantage of conferring.

In rule 1, the words "Forest officer" are used instead of "Forest Settlement officer," on which a vakil in Malabar has already raised a question as to stamps.

The Forest Act prescribes (section 8) that the Forest Settlement officer shall record the evidence "in the manner prescribed by the Code of Civil Procedure," i.e., in detail, whereas the form of register prescribed in rule 10 only admits of an abstract of the evidence corresponding to the procedure in summary cases.

The evidence in some cases is very voluminous, and Mr. Stuart has found it impossible to record it *in extenso* in the register, even if he allows several pages for each claim. Each claim has to be entered in the register as it is presented, and it is impossible to foresee what evidence may be adduced and provide space accordingly.

The evidence, &c., must, therefore, be recorded separately in accordance with the Civil Procedure Code and the register be merely an abstract thereof, maintained separately for each tract under settlement and showing each claim presented and how disposed of, i.e., rejected or admitted, and, in latter case, to what extent and how dealt with under sections 10, 12, and 13 of the Forest Act. This register will then form the permanent record required by the Board in their Proceedings, No. ³¹³⁷ Forest 627, dated 16th November 1885, to be submitted with the final notification under section 16 and printed. It is therefore necessary slightly to amend the form and wording of rule 10.

Finally, it appears advisable to provide that the "customary rights" to be brought to the notice of the Forest Settlement officer by the District Forest officer shall be recorded and dealt with as claims, for which purpose I propose an addition to rule 15.

For the above reasons, my proposals are as follows, viz., that Government be moved to notify the following amendments in the rules under section 63 (b) of the Forest Act:—

Rule 1, for "Forest officer" read "Forest Settlement officer."

Rule 10, after the word "kept" read "the claims on which he will have to adjudicate will usually be of two classes—

"(1) Claims to land.

"(2) Claims to rights of the nature of the easements specified in section 10 of the Act.

"He will record the evidence and decide on the claims in the manner prescribed in the Code of Civil Procedure in appealable cases."

Omit from "in his adjudication" to the second "Settlement officer" inclusive (i.e., the whole of the third sub-paragraph) and insert "he will also keep a register of all claims presented and inquiries held by him in the accompanying form, which, or a fair signed copy, will accompany the final notification under section 16 of the Act."

Rule 15, add—

"Such rights or privileges shall be recorded in the register provided in rule 10 as claims preferred on behalf of the public by the District Forest officer and admitted."

ABSTRACT REGISTER of claims to Lands or rights to Forest produce in the
Reserved Forest under Settlement.

No.	Date of presentation of claims.	Names of claimants.	Nature and extent of claims proffered.	Brief summary of the evidence adduced in support of claims.	Brief summary of the District Forest officer's arguments and evidence produced by him.	Brief abstract of decision and final disposal of the claims by the Forest Settlement officer.	Brief abstract of decision, if any, of court of final appeal and settlement.	Remarks.

Resolution—dated 23rd February 1886, No. ⁴⁷⁸ Forest 88.

Submitted for the orders of Government.

2. In view of the opinion expressed by both Conservators in favor of the narrative over the tabular form of progress report, the Board do not recommend any change in this respect.

3. The Conservator, Southern Division, draws attention to certain defects in the rules laid down for the guidance of Forest Settlement officers in G.O., 27th August 1884, No. 970, Revenue. The first, the substitution of "Forest officer" for "Forest Settlement officer" in rule 1 is obviously a clerical error which it is desirable to amend. As to the second, the Board observe that it was never intended that the register of claims should contain more than a summary of the evidence, or supersede the taking of evidence *in extenso* as required by law. The evidence should, of course, be taken in full and the record filed, but a summary thereof is all that is needed in the register. To make this perfectly clear in future, however, Colonel Walker's proposed amendments may be accepted. The form of register which he suggests is an improvement on that at present in use, but the Board do not see how the Forest Settlement officer is to sign a register containing an abstract of the appellate court's decisions on appeal. The column provided for that purpose must be left blank in the first instance and be filled up and signed by the appellate court after each appeal is decided. Copies of judgments in appeal must of course be filed in the Forest Settlement officer's record.

4. The proposed amendment to rule 15 may be accepted.

(True Copies and Extract.)

(Signed) C. F. MacCARTIE,
Acting Secretary.

To the Secretary to Government, Revenue Department.
" the Conservators of Forests.
" all Collectors.
" the Examiner of Forest Accounts.

READ—the following Proceedings of the Board of Revenue, dated 13th April 1886, Forest No. 190:—

Read—the following letter from O. WOLFE-MURRAY, Esq., Forest Settlement Officer and Additional Sub-Collector, Salem, to the Collector of Salem, dated Burgur, 15th March 1886, No. 202:—

With reference to Board's Proceedings of 23rd February 1886, No. ⁴⁷⁸ Forest 88, I have the honor to submit, with all due respect to the Board, the fact that the real difficulty about the form of register therein prescribed has been left untouched.

2. Ever since this register was prescribed some two years back, I have felt this difficulty in common with, as I have little doubt, most other Settlement officers. I refrained, however, from troubling about the matter as of no great importance. The subject being once more on the tapis, I may as well have my say.

3. The difficulty is succinctly put by the Southern Conservator on page 2 of the Proceedings under reference. "Each claim has to be entered in the register as it is presented, and it is impossible to foresee what evidence may be adduced and provide space accordingly."

4. It is obvious that even a summary of evidence may vary from a few lines in one claim to a few hundreds in another, and no man can say what space will be necessary for any given claim, either under evidence or decision, for, claim No. 100 may be finished before claim No. 1.

5. The way I have hitherto got over the difficulty is to keep two registers—one a general register and the other the prescribed form—which I fill up from the former register when the whole of the claims in any reserve have been finally disposed of.

6. The present form of register may be handy for reference when completed, but it is almost impossible to record in it the particulars of each claim *pari passu* with the inquiry, which I suppose is one of the objects of the register.

7. Something in the form of the register prescribed for Civil Courts would prove, I think, easier to keep.

Endorsement by G. McWATTERS, Esq., Collector of Salem, dated 22nd March 1886, No. 636.

Submitted to the Board of Revenue.

Resolution—dated 13th April 1886, Forest No. 190.

Submitted to Government in continuation of Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88.

2. The Board consider that the simplest way to meet the difficulty now raised will be for the Forest Settlement officer to keep *two* registers—the first or No. 1, to contain the first four columns only of the form embodied in Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88, and the second or No. 2, to contain them all.

3. All claims should be entered in No. 1 in the order in which made, and in No. 2 when decided, and there will then be no difficulty as to sufficient space in the latter. There may be a separate series of consecutive numbers for each register and, to facilitate reference, the numbering in the second register might be double, thus: ⁴⁶ 1 R-16, which would mean that the case entered in Register No. 2 as 46 was No. 16 in Register No. 1.

4. Should these views meet with the approval of Government, all that is necessary is to alter the wording of rule of Notification, dated 27th August 1884, so as to cover two registers instead of one, and to insert a clause to the effect that "all claims should be entered in No. 1 as put in to the Forest Settlement officer and in No. 2 as finally disposed of by him."

5. The *pari passu* record which the Forest Settlement officer refers to in paragraph 6 of his letter is contained in the diary and not in the register.

(A true Copy and Extract.)

(Signed) H. A. SIM,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Conservator of Forests, in charge of Southern Division.
" " " " " of Northern " "

" to all Collectors.
" to the Examiner of Forest Accounts.

Read—the following Proceedings of the Board of Revenue, dated 6th May 1886, Forest No. 236:—

Read—the following letter from A. E. C. STUART, Esq., Forest Settlement Officer, Nilgiris and Malabar, to the Conservator of Forests, Southern Division, dated Ootacamund, 16th April 1886, No. 26:—

I have the honor to address you on the subject of Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88, paragraphs 3 and 4, and to request you will kindly place the following suggestions before the Board for orders should you deem them worthy of consideration.

2. As the Board have approved of the proposed amendment to rule 15, I respectfully submit that the heading of the register to be kept by the Forest Settlement officers (*vide* enclosure No. 3 printed with Board's Proceedings abovementioned) requires slight alteration. Instead of "Abstract register of claims to lands or rights to forest produce in the—reserved forest under settlement" I would suggest

the words "Abstract register or claims to lands, rights to forest produce, or easements in the proposed—reserved forest." My reasons are briefly as follows. In future, if the Board's approval of the proposed amendment to rule 15 is sanctioned by Government, public rights of way brought to notice by the District Forest officer will be entered in the register as *claims*. Moreover, claims to rights of way—other than public rights of way brought to notice by the District Forest officer—user of water, &c., are frequently preferred by private persons, and all such claims must find place in the register. Such claims are, in most cases, claims to "easements" and are not covered by the heading given in enclosure No. 3 abovementioned, for a claim to "rights of way over land" or *user of water*, &c., cannot be appropriately classed as "claims to lands or rights to forest produce."

I have also suggested the substitution of the words "in the proposed—reserved forest" for "in the—reserved forest under settlement," the latter designation being, I think, objectionable on two grounds: (1) a "reserved forest" cannot be "under settlement" as no area can become a "reserved forest" until its "settlement," if any, has been accomplished; and (2) when the "Abstract Register" is submitted with the final report with draft notification under section 16, the area to which it refers is no longer "under settlement" but is still a "proposed reserved forest." Hence the verbal alterations suggested.

3. With reference to column 8 of the proposed amended "Abstract Register" headed "Brief abstract of decision, if any, of Court of final appeal and settlement" I venture to suggest that the last two words "and settlement" be omitted as being apparently superfluous. Regarding this column the Board observe that they "do not see how the Forest Settlement officer is to sign a register containing an abstract of the Appellate Court's decision on appeal. The column provided for that purpose must be left blank in the first instance and be filled up and signed by the Appellate Court after each appeal is decided. Copies of judgments in appeal must of course be filed in the Forest Settlement officer's record."

4. I venture respectfully to point out that, inasmuch as Forest Settlement officers will be furnished with copies of Appellate Courts' decisions, it would be practicable for Forest Settlement officers to enter a brief summary of such decisions in the appropriate column referring in the "remarks column," No. 9, to the date and number of the appellate judgments, which, being filed with the full record, would always be available should fuller particulars at any time be required; whereas the procedure proposed would be fraught with difficulties, as the following facts will prove. When an appeal is lodged against a Forest Settlement officer's decision, the Appellate Court calls for the *entire record in extenso* and not for the "Abstract Register," which is a mere summary, (as concise as may be,) and intended to be a record for future use and reference after any given area has been declared to be "reserved forest." The "Abstract Register" is in constant use, and much inconvenience would be caused were it liable to be called for by, or required to be sent to, an Appellate Court every time an appeal was preferred, so as to enable that Court to write its judgment in column 8. Thus supposing one hundred claims have been preferred and entered, as presented, by the Forest Settlement officer, *seriatim* in the "Abstract Register;" say fifty of these have been disposed of, and fifty are in progress. Meantime, say in ten of the fifty claims decided by the Forest Settlement officer appeals have been lodged—five to the District Court and five to the Collector—against decisions relating to rights of occupancy and of rights of way, respectively, almost simultaneously. It is impossible that the "Abstract Register" can be sent to both appellate authorities at once to enable them both to write their judgments in column 8. Even supposing arrangements might be made whereby duplicate or triplicate "Abstract Registers" were kept, entailing a considerable amount of additional scriptory work, it would be impossible to foresee to what length appellate judgments might extend; and when the "Abstract Register" was received by the appellate authorities, they might find the space available insufficient, for it must be remembered that claims preferred before the Forest Settlement officer must be entered as they are presented, and it is impossible to

3. In paragraphs 13 and 14 of their Proceedings, No. 200, dated 17th April 1886, the Board of Revenue incidentally proposed the maintenance of two distinct registers for record of claims under sections 10 and 11 respectively, the object being to separate the claims under these sections, on the ground that appeals lie to different authorities. The Government are of opinion that this is unnecessary, and that a multiplicity of registers would only create confusion. The Forest Settlement officer can always split up a claim into two when a portion of it falls under section 10 and the rest under section 11, and enter it as two claims in his registers. A rule to this effect will be added to the rules under section 6.

4. With reference to paragraph 2 of the Board's Proceedings, No. 478, dated 23rd February 1886, it is observed that the question as to the form in which progress reports should be submitted is one entirely for the decision of the Board, who are responsible for the efficient progress of forest settlement and for the control of Forest Settlement officers.

5. The following notification will be published in the *Fort St. George Gazette*:—

NOTIFICATION.

His Excellency the Governor in Council is pleased to direct the following amendments in the rules published under section 63 (b) of Act V of 1882:—

Rule 1.—For "Forest officer" read "Forest Settlement officer."

Rule 10.—Substitute the following for the second, third and fourth paragraphs:—

"The claims on which he will have to adjudicate will usually be of two classes—

- (1) Claims to land.
- (2) Claims to rights of the nature of easements specified in section 10 of the Act.

"He will record the evidence and decide on the claim in each case in the manner prescribed by the Code of Civil Procedure for adoption in appealable cases. He will also maintain two registers, A and B, in the accompanying forms and will enter in the former all claims as they are received and in the latter all claims as they are disposed of. Register B, or a fair signed copy thereof, must be forwarded to the Government with the draft notifications under section 16 of the Forest Act.

"When a claim comes partly under section 10 and partly under section 11, the Forest Settlement officer will separate those parts of it which fall under section 10 from those which fall under section 11 and will enter them in his register as distinct claims.

In cases in which appeals are preferred against his decisions, the Forest Settlement officer will obtain copies of the appellate decisions which should form part of the Forest Settlement record. A brief abstract of each appellate judgment should also be prepared and entered in the appropriate column of register B, reference being made in the "remark column" to the number and date of such judgment.

Rule 15.—Add the following at the end of the rule:—

"Such rights and privileges shall be recorded in the registers provided in rule 10, as claims preferred on behalf of the public by the Collector or District Forest officer."

Registers referred to in Rule 10.

A.

REGISTER of claims to Lands, rights to Forest produce or easements in the proposed Reserved Forest.

No.	Names of claimants.	Date of presentation of claims.	Nature and extent of claims preferred.	Remarks.
1	2	3	4	5

16.9.55 B 2.

REGISTER of claims to

No.	Names of claimants.	Date of presentation of claims.	pr
1	2	3	4

(True Extract)

Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Board of Revenue.
" the Director of Revenue Settlement and Agricul.
" the Superintendent, Government Press.

No. 441

Copy to the Government of India, Home Department (Forests), with reference to their endorsement, No. 349-F., dated 29th April 1886.

Signed) J. F. PRICE,
Ag. Secretary to Government.

Exd. W H. French.

100 Copies.

Madras

REVENUE.

issued

Recd.

Encl.

G.O., 8th June 1886,
Nos. 441, 441A.

JUNE.

Rules to regulate the procedure of Forest Settlement Officers.

Proposals for the amendment of — issued
under section 63 of Act V of 1882, approved
with remarks; and a notification of the alterations,
ordered to be published in the Fort St. George
Gazette.



BOARD OF REVENUE, 23RD FEBRUARY 1886, No. 478
FOREST 88.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from A. W. PEET, Esq., Acting Conservator of Forests,
Northern Division, to the Secretary to the Board of Revenue, dated Sidde-
palli, 28th January 1886, No. 2077:—

I have the honor to forward a copy of an office note* by the Conservator,
Southern Division, which, for some un-
explained reason, has reached me only
to-day.

*No. 2028, of 11th January 1886 (enclos-
ing copy of office note, No. 2029, of the same
date).

2. Reference to paragraph 5 of
Board's Proceedings, No. 3218 dated 24th November 1885.—I agree that a
monthly progress report giving details is more satisfactory than a mere tabular form,
and have no improvement to suggest in the form of the abstract register of claims.

ENCLOSURE No. 1.

Office note from Lieutenant-Colonel I. CAMPBELL WALKER, Conservator of Forests, in
charge of Southern Division, dated Kadaiyanallur, 11th January 1886, No. 2028.

Reference—Paragraph 5 of Board's Proceedings, No. 3218 of 24th November 1885,
requesting Conservators to draw up, in consultation with each other, a tabular form of progress
report regarding forest settlement.

I presume that it is intended that the report shall be submitted to the Board by Forest
Settlement officers monthly, and observe that in their Proceedings, No. 1574 dated 29th
May, the Board prefer the narrative form to a "bare figured statement."

I am much averse to multiplying forms and returns, and concur with the Board in
preferring the narrative form as submitted by Messrs. Wolfe-Murray and Castlestuart Stuart
containing a "full description of the month's work."

I submit, therefore, that, if the Board instruct Forest Settlement officers accordingly,
requiring each tract under settlement to be dealt with separately and prescribe the form of
abstract register referred to in a separate note (sent herewith), which, or an extract, can be called
for at any time, all the information necessary will be supplied.

ENCLOSURE No. 2.

Office note from Lieutenant-Colonel I. CAMPBELL WALKER, Conservator of Forests, in
charge of Southern Division, dated Kadaiyanallur, 11th January 1886, No. 2029.

Reference—Rules to regulate the procedure of Forest Settlement officers under section
63 (b) of Act V of 1882 (G.O., No. 970, Revenue, dated 27th August, and Board's Proceedings,
No. 3401 of 26th September 1884).

In connection with the above and the Board's call for a tabular form of monthly progress
report, certain omissions and discrepancies in the rules have been brought to my notice by
Mr. Castlestuart Stuart, with whom I had the advantage of conferring.

The evidence in some cases is very voluminous, and Mr. Stuart has found it impossible to record it in *extenso* in the register, even if he allows several pages for each claim. Each claim has to be entered in the register as it is presented, and it is impossible to foresee what evidence may be adduced and provide space accordingly.

Finally, it appears advisable to give notice of the Forest Settlement officer by the District Forest Officer, with as claims, for which purpose I propose an addition to rule 15. For the above reasons, my proposals are as follows, viz., that Government be moved to notify the following amendments in the rules under section 63 (b) of the Forest Act :—

"(1) Claims to land.
"(2) Claims to rights of the nature of the easements specified in section 10 of the Act.

whole of the third sub-paragraph) and insert "he will admit the same to be true and inquires held by him in the accompanying form, which, or a fair signed copy, shall accompany the final notification under section 16 of the Act."

Rule 13, add—
 "Such rights or privileges shall be recorded in the register provided
 referred on behalf of the public by the District Forest officer and admitted."

Abstract register of claims to lands or rights to forest produce in the reserved forest under settlement.

[illegible]

Submitted for the orders of Government.

3. The Conservator, Southern Division, draws attention to certain defects in the rules laid down for the guidance of Forest Settlement officers in G.O., 27th August 1884, No. 970, Revenue. The first, the substitution of "Forest officer" for "Forest Settlement officer" in rule 1 is obviously a clerical error which it is desirable to amend. As to the second, the Board observe that it was never intended that the register of claims should contain more than a summary of the evidence, or supersede the taking of evidence *in extenso* as required by law. The evidence should, of course, be taken in full and the record filed, but a summary thereof is all that is needed in the register. To make this perfectly clear in future, however, Colonel Walker's proposed amendments may be accepted. The form of register which he suggests is an improvement on that at present in use, but the Board do not see how the Forest Settlement officer is to sign a register containing an abstract of the appellate court's decisions on appeal. The column provided for that purpose must be left blank in the first instance and be filled up and signed by the appellate court after each appeal is decided. Copies of judgments in appeal must of course be filed in the Forest Settlement officer's record.

(True Copies and Extract.)

Ag. Sub-Secretary.

To the Secretary to Government, Revenue Department.
 „ the Conservators of Forests.
 „ all Collectors.
 „ the Examiner of Forest Accounts.

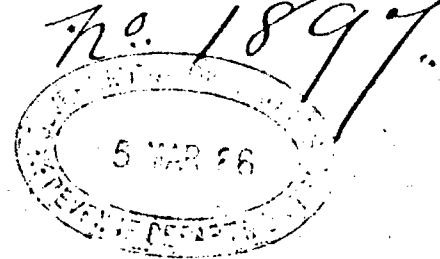
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REVENUE DEPARTMENT.

1886.

Board of Revenue,

MADRAS.



Printed March th.

Dep 5/3
Recd 5/3

Proceedings, 23rd Feb. 1886, No. ⁴⁷⁸ Forest 88.

Submitting to Government, with remarks, letter from the Conservator of Forests, Northern Division, forwarding office note from the Conservator, Southern Division, and stating that a monthly progress report giving details is more satisfactory than a mere tabular form.

BOARD OF REVENUE, 13TH APRIL 1886, FOREST No. 190.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from O. WOLFE-MURRAY, Esq., Forest Settlement Officer and Additional Sub-Collector, Salem, to the Collector of Salem, dated Burgur, 15th March 1886, No. 202 :—

With reference to Board's Proceedings of 23rd February 1886, No. ⁴⁷⁸ Forest 88, I have the honor to submit, with all due respect to the Board, the fact that the real difficulty about the form of register therein prescribed has been left untouched.

2. Ever since this register was prescribed some two years back, I have felt this difficulty in common with, as I have little doubt, most other settlement officers. I refrained, however, from troubling about the matter as of no great importance. The subject being once more on the tapis, I may as well have my say.

3. The difficulty is succinctly put by the Southern Conservator on page 2 of the Proceedings under reference. "Each claim has to be entered in the register as it is presented, and it is impossible to foresee what evidence may be adduced and provide space accordingly."

4. It is obvious that even a summary of evidence may vary from a few lines in one claim to a few hundreds in another, and no man can say what space will be necessary for any given claim, either under evidence or decision, for, claim No. 100 may be finished before claim No. 1.

5. The way I have hitherto got over the difficulty is to keep two registers—one a general register and the other the prescribed form—which I fill up from the former register when the whole of the claims in any reserve have been finally disposed of.

6. The present form of register may be handy for reference when completed, but it is almost impossible to record in it the particulars of each claim *pari passu* with the inquiry, which I suppose is one of the objects of the register.

7. Something in the form of the register prescribed for Civil Courts would prove, I think, easier to keep.

Endorsement by G. McWATTERS, Esq., Collector of Salem, dated 22nd March 1886, No. 636.

Submitted to the Board of Revenue.

RESOLUTION—dated 13th April 1886, Forest No. 190.

Submitted to Government, in continuation of Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88.

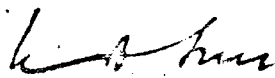
2. The Board consider that the simplest way to meet the difficulty now raised will be for the Forest Settlement Officer to keep *two* registers—the first or No. 1, to contain the first four columns only of the form embodied in Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88, and the second or No. 2, to contain them all.

3. All claims should be entered in No. 1 in the order in which made, and in No. 2 when decided, and there will then be no difficulty as to sufficient space in the latter. There may be a separate series of consecutive numbers for each register and, to facilitate reference, the numbering in the second register might be double, thus: ⁴⁶ R-16, which would mean that the case entered in Register No. 2 as 46 was No. 16 in Register No 1.

4. Should these views meet with the approval of Government, all that is necessary is to alter the wording of rule of Notification, dated 27th August 1884, so as to cover two registers instead of one, and to insert a clause to the effect that "all claims should be entered on No. 1 as put in to the Forest Settlement Officer and on No. 2 as finally disposed of by him."

5. The *pari passu* record which the Forest Settlement Officer refers to in paragraph 6 of his letter is contained in the diary and not in the register.

(A true Copy and Extract.)


Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Conservator of Forests, in charge of Southern Division.

" " " " of Northern "

" to all Collectors.

" to the Examiner of Forest Accounts.

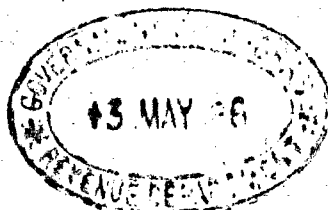
REVENUE DEPARTMENT.

1886.

Board of Revenue,

MADRAS.

No 3425



Printed April th.

Ry May 3

Proc., 13th April 1886, Forest No. 190.

Submitting to Government, with remarks, endorsement of the Collector of Salem on letter from the Forest Settlement Officer and Additional Sub-Collector of Salem representing necessity for modifying the present form of register of forest claims.

BOARD OF REVENUE, 6TH MAY 1886, FOREST No. 236.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from A. E. C. STUART, Esq., Forest Settlement Officer, Nilgiris and Malabar, to the Conservator of Forests, Southern Division, dated Ootacamund, 16th April 1886, No. 23:—

I have the honor to address you on the subject of Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 85, paragraphs 3 and 4, and to request you will kindly place the following suggestions before the Board for orders should you deem them worthy of consideration.

2. As the Board have approved of the proposed amendment to rule 15, I respectfully submit that the heading of the register to be kept by the Forest Settlement Officers (*vide* enclosure No. 3 printed with Board's Proceedings abovementioned) requires slight alteration. Instead of "Abstract register of claims to lands or rights to forest produce in the ——— reserved forest under settlement" I would suggest the words "Abstract register of claims to lands, rights to forest produce, or easements, in the proposed ——— reserved forest." My reasons are briefly as follows. In future, if the Board's approval of the proposed amendment to rule 15 is sanctioned by Government, public rights of way brought to notice by the District Forest-officer will be entered in the register as *claims*. Moreover, claims to rights of way—other than public rights of way brought to notice by the District Forest-officer—user of water, &c., are frequently preferred by private persons, and all such claims must find place in the register. Such claims are, in most cases, claims to "easements" and are not covered by the heading given in enclosure No. 3 abovementioned, for a claim to "rights of way over land" or user of water, &c., cannot be appropriately classed as "claims to lands or rights to forest produce."

I have also suggested the substitution of the words "in the proposed ——— reserved forest" for "in the ——— reserved forest under settlement," the latter designation being, I think, objectionable on two grounds: (1) a "reserved forest" cannot be "under settlement" as no area can become a "reserved forest" until its "settlement," if any, has been accomplished; and (2) when the "Abstract Register" is submitted with the final report with draft notification under section 16, the area to which it refers is no longer "under settlement" but is still a "proposed reserved forest." Hence the verbal alterations suggested.

3. With reference to column 8 of the proposed amended "Abstract Register" headed "Brief abstract of decision, if any, of Court of final appeal and settlement" I venture to suggest that the last two words "and settlement" be omitted as being apparently superfluous. Regarding this column the Board observe that they "do not see how the Forest Settlement-officer is to sign a register containing an abstract of the Appellate Court's decision on appeal. The column provided for that purpose must be left blank in the first instance and be filled up and signed by the Appellate Court after each appeal is decided. Copies of judgments in appeal must of course be filed in the Forest Settlement-officer's record."

4. I venture respectfully to point out that, inasmuch as Forest Settlement officers will be furnished with copies of Appellate Courts' decisions, it would be practicable for Forest Settlement officers to enter a brief summary of such decisions in the appropriate column referring in the "remarks column," No. 9, to the date and number of the appellate judgments, which, being filed with the full record, would always be available should fuller particulars at any time be required; whereas the procedure proposed would be fraught with difficulties, as the following facts will prove. When an appeal is lodged against a Forest Settlement officer's decision, the Appellate Court calls for

the *entire record in extenso* and not for the "Abstract Register" which is a mere summary, (as concise as may be,) and intended to be a record for future use and reference after any given area has been declared to be "reserved forest." The "Abstract Register" is in constant use, and much inconvenience would be caused were it liable to be called for by, or required to be sent to, an Appellate Court every time an appeal was preferred, so as to enable that Court to write its judgment in column 8. Thus supposing one hundred claims have been preferred and entered, as presented, by the Forest Settlement-officer, *seriatim* in the "Abstract Register;" say fifty of these have been disposed of, and fifty are in progress. Meantime, say in ten of the fifty claims decided by the Forest Settlement-officer appeals have been lodged—five to the District Court and five to the Collector—against decisions relating to rights of occupancy and of rights of way, respectively, almost simultaneously. It is impossible that the "Abstract Register" can be sent to both appellate authorities at once to enable them both to write their judgments in column 8. Meantime the progress of inquiries into the remaining fifty claims would be delayed. Even supposing arrangements might be made whereby duplicate or triplicate "Abstract Registers" were kept, entailing a considerable amount of additional scriptory work, it would be impossible to foresee to what length appellate judgments might extend; and when the "Abstract Register" was received by the appellate authorities, they might find the space available insufficient, for it must be remembered that claims preferred before the Forest Settlement-officer must be entered as they are presented, and it is impossible to know beforehand whether any appeal will be lodged in any particular case; and even if such knowledge were possible, the difficulty of conjecturing what amount of space should be left for Appellate Courts' decisions would still remain.

5. I would therefore suggest that words to the following effect might with advantage be inserted after the words "he will also keep a register of all claims presented and inquiries held by him in the following form, which, or a fair signed copy (*thereof*), will accompany the final notification under section 16 of the Act," approved of by the Board:—"In cases where appeals have been preferred, Forest Settlement-officers will obtain copies of the appellate decisions which must be filed in the Forest Settlement-officer's record. A brief abstract of each appellate judgment will be prepared and entered by the Forest Settlement-officer in the appropriate column of the register, and reference should be made in the 'remark column' to the number and date of the original appellate judgment from which such abstract has been prepared."

6. I venture, in conclusion, to submit for consideration the suggestion that a rule be framed to the effect that "Appellate Courts will furnish copies of judgments to Forest Settlement-officers as soon as possible after delivery," as I have myself experienced considerable difficulty in obtaining a copy of an Appellate Court's decision, which was not passed for more than a year after the appeal had been lodged, and I believe I am not singular in this experience. Possibly some further rule might be framed requiring appellate authorities to determine forest settlement appeals within a certain definite period, for delay in determining even one appeal may prevent a large area of country from being declared a "Reserved Forest" for a very considerable period after the settlement has been completed by the Forest Settlement-officer.

Endorsement by Lieut.-Colonel I. CAMPBELL WALKER, Conservator of Forests, in charge of Southern Division, dated Ootacamund, 17th April 1886, No. 129.

Submitted, in original, to the Board of Revenue for such action as they may think fit. The matter is before Government for orders on Proceedings, No. ⁴⁷⁸ Forest 88, dated 23rd February 1886.

2. Mr. Stuart's suggestions, which are the result of practical experience, commend themselves to the Conservator, and it would certainly be advisable, if Government, in communication with the High Court, would see fit to add a rule under section 63(b)

of the Forest Act, that Appellate Courts should dispose of appeals in forest settlement cases within a reasonable time, say, three months from date of appeal, and furnish Forest Settlement-officers with certified copies of their judgments immediately they are delivered. Considerable delay and inconvenience has already been experienced from the want of such a rule having the force of law.

RESOLUTION—dated 6th May 1886, Forest No. 236.

Submitted to Government,

2. The Board approve of Mr. Stuart's suggestions and submit them to Government for adoption as follows:—

Paragraph 5 and the latter half of paragraph 2, in modification of Board's Proceedings, dated 23rd February 1886, No. ⁴⁷⁸ Forest 88.

Paragraph 6 with the request that the High Court—(section 63 (b) of the Forest Act covers Original Courts only)—may be moved in accordance therewith.

3. The first half of paragraph 2 is put out of date by Board's Proceedings, dated 13th April 1886, Forest No. 190, and Board's Proceedings, dated 17th April 1886, Forest No. 200.

(A true Copy and Extract.)

L. H. H.
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Conservator of Forests, in charge of Southern Division,
" " " " " of Northern " "

" " to all Collectors, except Madras.
" " to the Examiner of Forest Accounts.

Exd. J. Moses.

REVENUE DEPARTMENT.

1886.

Board of Revenue,
MADRAS.

No 3828.

H.A. Stuart

17 MAY 86

Printed May th.

Re 17th May

*Proceedings, dated 6th May 1886,
Forest No. 236.*

Submitting to Government, with Board's approval, letter from the Forest Settlement Officer, Nilgiris and Malabar, suggesting certain alterations with reference to the heading of the *Abstract Register of claims to lands or rights to forest produce in reserved forests under settlement.*

BOARD OF REVENUE, 17TH APRIL 1886, FOREST No. 200.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following letter from J. S. GAMBLE, Esq., Conservator of Forests, in charge of Northern Division, to the Secretary to the Board of Revenue, dated Madras, 10th March 1886, No. 2388 :—

I have the honor to submit copies * of the orders of the Forest Settlement-officer of Kurnool in the cases of the Nandi-kótkur and Sirvel proposed reserved forests.

* Enclosures A, B.

2. The Board will remember that in my No. 1511 of 7th November 1885 (Board's Proceedings, Mis. No. 10452-151, of 21st November 1885), I submitted copies of the similar orders in the cases of the Nandyál proposed reserved forests as well as a few of those now sent. My appeal† in the case of the Nandyál forest had been previously submitted to the Collector with my No. 805 of 21st July 1885, and his order‡ on that appeal was received

† Enclosure C.

‡ Enclosure D.

with his No. 14 of 16th October 1885. The Board will notice from a perusal of these papers that in considering the questions of the Kurnool settlement, I was more actuated by a desire to carry out fully the order of rule 15 of the Forest Settlement rules rather than too strictly to adhere to the exact legal procedure. That I was wrong, I now know well. I should have made my appeal on different grounds and distinguished in it between the orders under section 10 and those under section 11. Thus, for example, in the case of the temples, my appeal for demarcation should have taken the form of an appeal for "exclusion," the only one of the courses allowed by section 10 which was applicable, and the appeal should have been heard by the District Court instead of, as it was, by the Collector. In other matters, many of them it is true of no great real consequence at the present day, I should have put forward more prominently the legal side of the question; and, while to the full as much anxious to do justice to the Chentzus and the priests and the other claimants as the Forest Settlement-officer or the Collector could be, have asked that, instead of the detailed arrangements which could not be legally proved to be rights being given by the Forest Settlement-officer as such, they should be given by Government afterwards and independently of the settlement.

3. Since my return from leave, and since I had occasion to consider the question so carefully in the case of the Cuddapah forests, several opinions both of the Government of Madras and of the Government of India have been received, most noticeable among which is the following, which for convenience I extract from paragraph 6 of Home Department letter, No. 48 F., of 16th January 1886 (Board's Proceedings, No. ³⁹⁰ Forest 71) of 11th February 1886):—

"There is nothing in the Forest Act that justifies the Forest Settlement-officer in providing for the prospective wants of non-existing settlers or of a future and possibly more numerous generation; nothing that permits the concession by a Forest Settlement-officer of more extensive rights than those to which he finds claimants to be entitled at the time of settlement. The rights claimed must be actually existing rights, vested in an individual or person, or in a definite body of persons like a number of co-owners or a village community."

"They may be rights in gross unconnected with the ownership of immovable property (houses or land), or they may be rights attached to the ownership of such property. They may be rights enduring only for a certain period or for the life of the person in whom they are vested, or they may be rights which will pass to the heirs of that person, or pass in perpetuity with the property to which they are attached. But they must be existing and vested in some person or body of persons who can claim them at the time of settlement."

"If the Forest Settlement-officer is permitted to provide for indefinite prospective wants of an indefinite prospective number of right-holders, he may be providing for the gradual absorption and final extinction of the actually existing rights of the State."

I say it with all respect that, under that ruling, I cannot but think that rule 15 of the Forest Settlement rules requires to be modified; and that careful orders of the method of dealing with settlement cases like the present ones of the Chentzus should be issued to Forest Settlement officers, based on the ruling of the Government of India.

4. Before I make any proposals in respect to the Nandyál forest, however, I will ask the Board to read my memoranda of appeal in the cases of the Nandikótkur and Sirvel forests.* I wish most particularly

* Enclosures E and F.

to draw their attention to the fact that, no doubt misapprehending somewhat his powers, the Forest Settlement-officer has not sufficiently carefully distinguished between what are real actually existing rights enforceable at law and what are merely customary privileges which are not so claimable, but which Government may wish to continue. Further, he has mixed up together claims under section 10 and claims under section 11 in such a way that appeal, which lies of course to different persons in either case, will be very difficult. Besides this, he has introduced conditions and provisions which are, I think, in some cases inconsistent with the admission of the claims they refer to as rights, and in others contrary to already existing provisions of the Act. And further, in a few instances, he has considered questions which do not seem to fall in any way under the definitions of rights claimable under sections 10 and 11.

5. In my appeal I have endeavoured to show, as clearly as possible, how the settlement orders should be altered, but there still remains the case of Nandyál forest and the difficulty of appeal, and I venture to think that if the Board were to express to the Collector of Kurnool their agreement in the proposals I have made for Sirvel and Nandikótkur, they could be adopted and the Nandyál orders afterwards altered to suit. I would remark that such alteration need not affect the persons concerned if anything it would give them more than before; it would merely record their legal rights in a more definite manner and provide by executive order for other concessions.

6. The Nandyál orders refer: Nos. 1, 3, 4, 5, 6, 7, 8, 11, 13, 14 to the Chentzus, who are a jungle people to my mind, undoubtedly possessing the full legal right to live in the Nallamalais; Nos. 9, 10, 12, 14 to roads; No. 16 to trees; Nos. 17 and 18 to temples; Nos. 19, 20 to water and rights of way; and No. 21 to land. I should not propose to alter 19, 20, 21 at all; 17 and 18 only so far as to exclude them as section 10 of the Act prescribes and simplify the orders as I have indicated in the cases of the Nandikótkur and Sirvel temples; 16 I would alter like one of Nandikótkur to make the order legal, but not to affect Bada Mir's rights at all; the roads 9, 10, 12, 15 only so far as to avoid the provision which seems to clash with the admission of right; and the Chentzu claims so as to make the orders in accordance with the Act, excluding the lands referred to, and bringing the management of the villages under the system I have suggested. I venture to hope the Board will support me in this.

7. I trust the Board will excuse the length of this letter and the documents enclosed; the question is one of very great importance, and I hope they will recognize that, while I am extremely anxious to bring the whole settlement into legal accord with the Act and with the recently expressed rulings of the Governments of India and Madras, I have no wish to propose any unnecessary curtailment of proper concessions. I confidently believe that for both the Chentzus and for others the proposals I now make are quite as liberal as the settlement orders of Mr. Sim, and at the same time are more simple, more easily worked and less liable to attack in point of law. The time for appeal ends on the 5th May next.

ENCLOSURES.

A AND B.—Orders of the Forest Settlement-officer, Kurnool, disposing of claims advanced in regard to Nandikótkur and Sirvel proposed forest reserves.

C.—Memorandum of appeal against the orders of the Kurnool Forest Settlement-officer in the case of the Nandyál forest reserve.

D.—Proceedings of the Collector of Kurnool, dated 15th October 1885, passing orders in regard to appeals against Forest Settlement-officer's decisions relating to Nandyál, Sirvel and Nandikótkur forest reserves.

E.—Memorandum of appeal against the orders of the Kurnool Forest Settlement-officer in the case of the Nandikótkur proposed reserved forest.

F.—Memorandum of appeal against the orders of the Kurnool Forest Settlement-officer in the case of the settlement of the proposed Sirvel reserved forest.

READ—the following letter from S. H. WYNNE, Esq., Acting Collector of Kurnool, to the Secretary to the Board of Revenue, dated 28th March 1886, No. 84:—

The Conservator of Forests, Northern Division, has forwarded to me copy of his letter, No. 2388, dated 10th March 1886, to the Board, together with copies of his appeal memoranda, and requested that I should consult with the Board with a view to appeal to the District Court on certain matters under section 10 of the Forest Act.

2. I have the honor to state that Mr. Gamble appears to me to have quite misunderstood the legal position. When a proclamation has been made under section 4, Government are placed in the position of defendants against whom claimants have to make good their claims. When those claims come under section 10 of the Act and are rejected wholly or in part, the claimants have a right of appeal to the court. When they are admitted, the Forest-officer on behalf of Government has a similar right of appeal, in order to move for their rejection. But what Mr. Gamble seeks for is that the order admitting the exercise of certain rights at temples, &c., may be altered into an order excluding the land altogether from the reserved forest. In other words, that a party is to appeal against an order with a view to its alteration into an order less favorable to him. This is not only not in accordance with the provisions of the section, but is, I think, contrary to common sense. The localities specified should have been excluded from the areas in the proclamation under section 4. Or, if it is now desired to exclude them, this can be done under section 24 of the Act. But I cannot recommend an appeal to the District Court under section 10 for their exclusion, because I do not think such an appeal would be admitted on the file unless preferred on behalf of the claimants.

3. This disposes of the appeals recommended in paragraph 2 of memorandum F (Sirvel) and paragraphs 6 and 7 of memorandum E (Nandikótkur). With regard to the appeal recommended in paragraph 5 of memorandum E, I have to say that the Forest Settlement-officer acting under section 10 of the Act admitted a right to certain land and then purchased it in accordance with the terms of that section. Mr. Gamble says he "thinks it would be better if an order had been passed excluding the village (*sic*) and demarcating it out of the reserve altogether," and adds that he should be glad of the opinion of the Collector. It seems to me that the opinion of the Collector or of any one else is of very little value now, for the action of the Settlement-officer cannot be disturbed except by an appeal against the admission of the claim to the land *in toto*, which there are no grounds for. There is no appeal against the exercise by the Forest Settlement-officer of the discretion given him in selecting one of the three courses set out in the section. I may observe, however, that Mr. Sim in his order gives a very intelligible reason for the course he took.

4. I cannot, therefore, recommend any appeal to the court. Appeals can be made to the Collector under section 11 on such matters as are considered necessary, but should, if I may say so, be prepared with more form and precision than is shown in

these memoranda. The latter part of memorandum E is quite unintelligible to me. The Conservator apparently wishes that all Mr. Sim's orders be cancelled and fresh orders passed on certain lines laid down by him. I know of no power short of the legislature which could achieve this feat.

RESOLUTION—dated 17th April 1886, Forest No. 200.

With the first of the above papers, the Conservator of Forests, Northern division, forwards the Forest Settlement-officer's settlement of the proposed reserved forests in the Nandikotkur and Sirvel taluks of Kurnool district, and gives his reasons for differing from that officer on various points and for appealing against his decisions thereon, and asks that careful orders as to the method of dealing with claims like those advanced by the Chentzus may be issued to Forest Settlement-officers for their guidance.

2. In the second letter, the Acting Collector of Kurnool gives his reasons for differing from Mr. Gamble as to the expediency of appealing to the District Court against some of the Forest Settlement-officer's decisions under section 10 of the Act.

3. Having read the papers forwarded by the Conservator, the Board are of opinion that it is necessary to explain in some detail the proper course of procedure which should be followed under the Madras Forest Act in disposing of claims to rights in or over land at a forest settlement.

4. Under sections 10 to 13 of that Act, a procedure is laid down which has, for its chief object, the exclusion or inclusion within the limits of any area proposed to be constituted a reserved forest of all land in respect of which claims are made and admitted. The object in view is to have State reserved forests constituted in which no private rights whatever exist. To this end all possible rights are grouped into two classes for adjudication. One class consists of—

- (a) all rights of way;
- (b) all rights to water-courses or the use of water;
- (c) all rights of pasture;
- (d) all rights to forest produce.

The other class consists of all other rights whatsoever except the above four.

5. The procedure regulating the disposal of the former class is to be found in sections 11 to 13, while that relating to the latter class is laid down in section 10 of the Act.

6. Under section 10, a Forest Settlement-officer is bound first of all to specify the particulars of each claim and then to pass an order admitting or rejecting it in whole or in part. If he rejects it wholly there is an end of the matter, subject to any appeal that may be filed against the decision; but if he decides to admit part of the claim and reject the rest, he is bound to select one of three methods of extinguishing so much of the claim as is admitted. He must either come to an agreement with the claimant to surrender the right in consideration of a payment of money or other equivalent, or he must shut out the land in respect of which he has admitted the claim from the proposed reserved forest, or he must acquire it by expropriation under Act X of 1870. He must, however, adopt one of these three courses.

7. The Settlement-officer's powers under Act X of 1870 are clearly set forth in section 10 of the Forest Act; but, as regards the right of appeal against his decisions under that section, some confusion seems to have been caused by an apparent wish on the part of the legislature to provide an appeal for a claimant only when his claim is wholly or partly rejected, and for Government only when it is wholly or partly admitted. But, in point of fact, partial admission involves partial rejection; for, when a claim is only partly admitted, it is, as a matter of course, partly rejected, so that though the right of appeal is confined to the claimant alone in the case of the complete rejection of his claim, and to Government alone in the case of its complete admission, both parties can appeal on any grounds they please against any partial admission or rejection. Lastly, in all cases under section 10, the appeal lies to the District Court.]

8. Under sections 11 to 13, however, the procedure in disposing of all other claims to rights is somewhat different. After specifying the particulars of the claim sufficiently to define its nature and the incidence and extent of the rights claimed, the Settlement-officer must admit or reject the claim wholly or in part. If he rejects it wholly there the matter ends, subject to appeal; but if he admits the claim, and if it is one to a right of way, or water, or pasture, he must record the name, position and area of the land in respect of which the beneficial enjoyment is claimed, that is to say, the length and width of the way, or channel, or the number of acres over which the grazing is to extend, as well as the names and positions of any lands or buildings to which there may be rights of way conceded. Clause 2 of section 11 seems to be inconsistent with the provisions of section 10 which govern it and under which claims to rights in land and buildings should be disposed of. The correct procedure however appears to be that above laid down which should always be followed.

9. If the claim is to forest produce then the Settlement-officer is bound to record whether the right of sale or barter of such produce is also conceded.

10. After recording his decision under section 11 relative to a right to pasture or forest produce, the Forest Settlement-officer is bound, under section 12, to provide, as far as possible, for the exercise of the rights admitted, by altering the limits of the proposed reserved forest so as to exclude a sufficient area for the purposes of the claimant; and he must then record an order continuing, subject to such rules as may be prescribed in that behalf by the Governor in Council, a right of pasture or to forest produce, as the case may be. This order must contain all the details as to number of cattle entitled to graze, or quantity of forest produce entitled to be taken away, prescribed by the last three clauses of the section. At the same time the Board are constrained to admit that it is not quite clear why, if an area is excluded from a proposed reserved forest, the Forest Settlement-officer should concern himself further about it after recording the fact, because the recorded order of exclusion, on the ground of the rights admitted in respect of the land, would always tend to protect the land and the rights claimed in it from any future action on the part of the State or of any one else. Still the law is as above laid down and the procedure is clearly applicable to all such areas as are completely shut in by a proposed reserved forest.

11. Section 13 provides a procedure to be followed in those cases when it may be found impossible to provide, under section 11, for the exercise of the rights admitted under it. In that case, and subject to such rules as the Government may prescribe in that behalf under section 13, the right must be commuted by the Forest Settlement-officer by a money payment, or, with the claimant's consent, by the grant of rights in or over other land as the Forest Settlement-officer may think fit.

12. Any order passed under sections 11, 12 or 13 may be appealed against by the claimant or the Government to a Forest Court constituted under chapter VI of the Act, or where there is no such court, to such Revenue Officer as the Government may appoint to hear such appeals.

13. It will thus be seen that while the appeal against a decision under section 10 lies to the District Court, against a decision under section 11 it lies to the Forest Court or such Revenue Officer (usually the Collector) as may be appointed by Government in that behalf. Moreover, while only thirty days are allowed to appeal against the decisions under the former section, sixty days are allowed for appeals against decisions under the latter. The Government is empowered, however, to extend the time of appeal against decisions under section 10, but not against those under section 11. For these reasons it is obviously expedient that all claims made should be grouped, for convenience sake, into two groups, according as they fall under section 10 or section 11. A claim may often fall under both. It should in such a case be split into two claims, and for the future the Board direct that instead of one register being kept of claims admitted or rejected there shall be two, but in the same form as that now prescribed—one being reserved for claims under section 10 and the other for those under section 11. For facility of reference, these may be called the A and B registers, respectively.

14. The Board have, in their Proceedings of 13th April 1886, No. 190 F., directed the maintenance of a Register of only four columns in which all claims are to be entered and numbered consecutively as presented, and if in addition to this (which may be called the general register) the two registers prescribed in the foregoing paragraph are also kept, there should be no difficulty in tracing out any claim in its entirety.

15. Referring to the Conservator's memoranda of appeal in the cases of the Nandikotkūr and Sirvel settlements, the Board concur generally in the views put forward therein. They are, therefore, unable to agree with the Acting Collector, Mr. Wynne, in his remarks contained in paragraph 2 of his letter, No. 84, of 28th March 1886, since for the reasons set forth in paragraph 6 *supra*, Mr. Gamble was at liberty to appeal on any ground he thought fit, and in making an appeal relative to the exclusion of the land on which certain temples stand from the proposed reserved forests, he was only asking to have that procedure adopted which is directed by the law to be followed, even though it might be more to the advantage of the claimant than of the Government. They are disposed to agree with him, however, that there is no specific provision in the Act for any appeal against the exercise of the discretion vested in the Forest Settlement-officer under section 10 (i), though the point is not altogether free from doubt.

16. The decisions passed by the Settlement-officer, Mr. Sim, in the settlement of the Nandikotkūr and Sirvel reserved forests show that he has taken great care and trouble in carrying it out. Nevertheless, the Board consider that, in some instances, he has gone beyond his powers, and that in others, from a misconception of the terms of section 10, he has not followed the procedure quite correctly. For instance, in claim No. 1 in the Nandikotkūr reserve, he has admitted a right to twelve mango trees on behalf of Sayad Badda Mir and his heirs and ordered the Forest department to allow such free access as the Collector may consider reasonable. The admission of a right in the heirs of a claimant is *ultra vires*, as is also an order to any particular department to do anything. The right should be clearly set forth and it then rests with the Government to see that it is respected. Again the proviso (c) and (d) making the admission of the right subject to tree-tax and to forfeiture on failure to pay such tax seem uncalled for. On all these points, therefore, this decision should be appealed against in view to its amendment, as should all other decisions in which similar orders have been passed.

17. Out of the twenty-four decisions in connection with the Nandikotkūr reserve, No. 21 is missing from the file sent to the Board; of the others, thirteen decisions refer to the gudams of the Chentzus; while out of the fifteen decisions in connection with the Sirvel reserved forest, only two refer to such gudams. On the other hand only two decisions refer to temples or temple rights in each proposed reserved forest.

18. In the disposal of both classes of cases the Board consider that the Forest Settlement-officer's decisions should be appealed against on the grounds advanced by Mr. Gamble. The claims of the Chentzus to land should be all limited, defined and excluded from the reserves under section 10, while the exercise of all other rights or privileges should, if granted subject to any control, be only subject to the control of Government. Such a proviso as (i) in claim No. 3 (Nandikotkūr) to the effect that in the exercise of the rights granted, no other labor than that of Chentzus themselves should be employed without the Collector's permission is unnecessary and might prove mischievous even if it be not *ultra vires*. So, too, with regard to temple rights and privileges, the sites of all land occupied by the buildings, tanks, bathing ghāts, &c., along with such areas as are necessary for the performance of ceremonies and the holding of festivals, should be demarcated out of the reserves, and all rights coming under section 11 for decision should be carefully marked out or commuted under section 13. Such rights as that specified in No. 4 claim (Nandikotkūr), item 4, as a right to maintain a ferry boat on the Kistna river and to charge such fees as the Collector may prescribe is clearly beyond the power of the Forest Settlement-officer to regulate; while as regards the right to bathe in the Kistna river, as pointed out by Mr. Gamble, its grant is unnecessary. The river is not within the limits of the proposed reserve, and so long as that part of the river bank near the pagoda where pilgrims usually bathe is made over for the use of the temple, it is immaterial whether people bathe there or not.

19. In view of the importance of the appeals the Board recommend the Government to extend the period for appeal in all cases falling under section 10 for a period of at least three months.

(True Copies and Extract.)

(Signed) C. F. MacCARTIE,
Acting Secretary.

(True Copy.)

(Signed) S. SRINIVASA RAGHAVAIYANGAR,
First Assistant.

To the Secretary to Government, Revenue Department.
" the Conservator of Forests, in charge of Northern Division.
" the Collector of Kurnool.
" all other Collectors, except Madras.
" the Conservator of Forests, in charge of Southern Division.
Copy to the Examiner of Forest Accounts.

REVENUE DEPARTMENT.

1886.

Board of Revenue,
MADRAS.

Printed May 4th.

Proc., 17th April 1886, Forest No. 200.

Passing orders on letters from the Conservator of Forests, Northern division, and the Collector of Kurnool, submitting the *Forest Settlement-officer's settlement* of the proposed reserved forests in the Nandikotkur and Sireel taluks; and issuing instructions as to proper course of procedure to be followed in disposing of claims to rights in or over land at a forest settlement

FOR THE UNDER SECRETARY.

FROM CIRCULATION
WITH
REMARKS.

17/5

10/5/86

Sut...

question is one entirely

NOTE FOR THE UNDER SECRETARY.

33
C. No 3425/sb-.

Submitted that this
may be seen with C no 189)

7/15

1/15

1/15

NOTE FOR the Secretary 35

A d.o. from Mr. Carson to
Col. Walker, of 17-10-79, asking
him not to write demi-officially
to govt. is submitted. No other
can be traced

LB
9/14

Yes, H. H. H.
another
not found
found as
P. J. O.
9/14

no record found

A copy of D.O. No 410, 2-4-
is submitted. none other
can be traced in the D.O.
book to have been written
to Col. Walker.

18
9/4.

1. 10. 11
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91. 10. 11
92. 10. 11
93. 10. 11
94. 10. 11
95. 10. 11
96. 10. 11
97. 10. 11
98. 10. 11
99. 10. 11
100. 10. 11

My dear Walter -
I took up D.O.
- Lots of the 16 to the Council
by 21st portion of it to
the Govt. - I have there-
upon directed to inform you
that the Govt. do not
approve of your writing D.O.
to Govt. - All your correspondence
should be carried on
through Biddons the
head of your Dept. - I
am, dear Walter, to return

four letters which I
do with to make
sure.

I told the fore that from
my experience I found
it was almost impossible
to carry on with the
fore & day Nov. to Dec.
first then a week from
Pennington to Boston & the
same effect.

in the mean time I am
to inform the fore that
the fore-appearing of
going on with the work
of the foreman of Church
Hair & Walling &

to write him on the same
subject of going out to
Pennington day Nov. to Dec.
you may say
J. H. G.

7/10/29

57.

My dear Bidone.

Kind notes
from Mr. I. L. Miller
to Walter telling him he
is not to write any more
to Mr. D. O. - but that
all his communications
are to come through you.
He has written D. O. to
say that the inquiry into
the 3 reasons on the
Anarchist's has surprised

that he is anxious
to go & settle the
boundaries of Chestnut Hill
& Walling - as Pennington
says Timonally first
cannot be dealt with
any more & Dec. 1872
to Jan. 1873 -
I am & returning better
his D.O. - I am directed
to ask you your opinion
on the matter of the
practicality of going
with the inquiry ^{since summer} during
the month. also to
request you to inform better
that the Govt. approve

his settling the boundaries
of the Chestnut Hill & Walling
regions to be: he refuses
pending further order.

per wing
17/10/72 D.H.F.

of.

GOVERNMENT OF MADRAS.

Revenue Department,

Fort St. George,

Nov. 3. 1885.

My Dear Sir,

I am directed
to say in reference to your
D.O. of the 3rd. ult. that
if you have any point of
difference with the Bd. of
Revenue or ground of complaint
against that body, matters

11/10/1897. 3225. 3225.
C.B. - C.B.

Should be brought forward Officially
and through the Bd.
It is considered undesirable that
the subject to which you refer
principally refers should come
before Gov. other than Officially
and through the proper channel

Yours sincerely

Rednichich

MADRAS CLUB

22 FEB 1916

Monday
22-

My dear Paull

we were sorry
not to see you this morning.
Gass writes that he will again
postpone his leave & facilitate
arrangement of his leave make
sure of it in July or Aug.
If therefore you wish to leave Paull
6 months March to August
inclusive I can manage &
hope they will allow me to promise
you that there will be no further
hitch - he has been most patient
& I know H. J. is anxious to
know him -

Paull is

question is one ent

REVENUE DEPARTMENT

writing about his leave and the
 act of permit: app^t pending since
 Stoyner return, & Bonham's death &
 the B^t proposals w^t he sent on.
 new departure from our established
 custom (which we did not take
 from Regal in the presence)
 and involve senior men with
 the best reputation & officers kept
 kept out in the club indefinitely
 whilst their juniors are rising in
 higher grades. The latitudes state
 "mend w^t best & I have drawn
 out well and clearly, I hope
 you will kindly let them forgetful
 this much as their resignation &
 app^t thereon were heard & follow &
 the best to clear off one last first
 & second confession -
 I think this w^t app^t & vice best

act: Cum: - and: chiefly chiefly the same.
 as they are in the Revenue but there is a
 number of: w^t the B^t sent against it.
 Stoyner thought they were sufficient in the last
 but in the same way.
 I have been kindly as I remember having been
 when been 4 or 15 years with. I should like
 the latter especially and before then & after
 app^t been - for: by
Wm. A. Bonham

REVENUE DEPARTMEN

REVENUE DEPARTMENT.

C. No. 1897

From

The Board of Revenue, No. $\frac{478}{\text{Forest 88}}$
Dated 23rd Feby. 1886.

R O R D E R S.

The Board in their Proceedings No. $\frac{3218}{\text{Forest 648}}$ of 24th Nov. /85 directed the two Conservators to draw up in consultation with ~~the Conservators~~; a tabular form of progress report with a column for remarks, in which the progress of affairs the settlement of each proposed reserved forest might be briefly noted. The Conservators, in reply, state that they prefer the narrative to the tabular form of ~~progress~~ ~~report~~ ~~progress~~ reports, and in forwarding their notes the Board, in the Proceedings under notice, inform Govt. that in view of the opinion expressed by the Conservators, they are not prepared to recommend any change. It is submitted that the question is one entirely

the decision of the Board, who are responsible for the efficient progress of forest settlement and for the control of forest settlement officers.

2. Col. Campbell Walker also suggests certain amendments of the Rules made under sec. 63(b) of the Forest Act, to regulate the procedure of Forest Settlement Officers. In Rule 1 he would read "Forest Settlement Officer" for "Forest Officer". The latter is clearly a clerical error and should be corrected.

His second proposed amendment refers to the Register of Claims prescribed by Rule 10, and to portions of the Rule itself. The Register as it now stands contains a column (col. 6) for a 'brief summary of the evidence of witnesses examined on either side.' The Forest Act (sec. 8) prescribes that

† Printed in G.O. 27th Aug. 1884
no. 970, and in B.D.'s Proc. 2/26th Sept.
1884, no. $\frac{3401}{\text{Forest 307}}$

The evidence should
be recorded in full
summarized
in the Register.

The Forest Settlement Officer shall record the evidence in the manner prescribed in the Civil Procedure Code, i.e. in detail. Mr. A. E. C. Stuart, it appears has been endeavouring to do this in col. 6 of the Register, notwithstanding the fact that that column is headed 'Brief summary of the evidence.' Col. Walker therefore proposes to amend the Rules so as to show clearly that it is intended that the evidence shall be recorded in extenso, and that the Register shall contain only a summary of the evidence so recorded. He also alters the register by splitting up column 6 into two — one for the evidence on either side — and he adds a column for a 'Brief abstract of decision, if any, of Court of final appeal and settlement.' The entry in

this column, will, if it is to form part of the record, require the signature of the Appellate authority, who in many cases will be the District Judge. As Govt. have no power to make rules for the guidance of the Civil Courts it would be better to omit this column altogether.

FOR ORDERS.

An entry in the remark column to the effect that the decision of the F.S.O. has been confirmed, reversed, or modified will be sufficient to draw attention to the appellate judgment, which should always form part of the record. If, however, it is thought advisable to retain the column, the High Ct. shd. be first asked whether they have any objection to issuing instructions to Dt. Judges to make the necessary entries.

This appears to be quite sufficient.

No necessity, it is submitted for this.

Col. Walker's last amendment relates to Rule 15, & which he would add words providing for the record of claims prepared on behalf of wild jungle tribes. The words proposed are:-
"Such rights or privileges shall be recorded in the register provided in Rule 10 as claims prepared on behalf of the public by the District Forest officer and admitted."

As it is the duty of the Collector, as well of the Dt. Forest Officer, (vide first part of Rule 15) to bring forward these claims, the words "the Collector or" should be inserted between "by" and "the Dt. Forest Officer". Further the words "and admitted" seem unadvisable. Cases might arise in which the

Collector or Forest Officer
brought forward claims
which were wholly in-
admissible in the Forest
Settlements Officer's opinion,
and it would therefore, I
submit, be better not to
be the latter's hands, and
this will certainly be the
result if these words are
retained.

W. H. H.

HAS
16.3

16/3

C. 187/10/85

For orders

Amendment in the rules under
Sec 63 of the Forest Act.

Dear Sir,
I am sorry to hear
of the loss of your
letter.

REVENUE DEPARTMENT.

No. 39

To
From Lieut-Col Campbell Walker

Dated 15th March 1886.

FOR ORDERS.

Tell him d.o.
Civily but firmly
that you are
instructed to say
that Govt. entirely
disapprove of his
coming up direct
in the d.o. form
and that he must
address first specially
through the usual

It is submitted that
if it was decided at
the Bd to send Mr. Shanks
letter on it was for
the Bd to let Col Walker
to do so.
Col Walker gives more
trouble to this Office
in the way of d.o. than
all the other Officers
put together.
It is impossible to carry
on work satisfactorily

under "the Collector and" L. 1. 1. 1.

if he is to be always
denying & contradicting
to the def or under
def his head or fresh
matter.

It is suggested that
Mr. Street now which
contains some suggestions
which appear to be
with considerable
be returned to Col
Walker and that he
be told to come up
officially

X
24/3

and that the issue of the
orders on C. No. 1897 be
over until he does so.

HCS
25/3

25/3

channel from
memorandum
cc

Yes
Q

HCS
HCS
Q
1/3

FOR ORDERS.

D.O. from Col Walker
about amendment of Rules
under Sec 63 of the Forest
Act -

Hon Mr Sullivan

For the Secy of the Forest

C. 26-3-86
R. 30-3-86
D. 1-4-86

Replied by D.O.
to Mr Sullivan 3/4

Met Mr
19-3-86

My dear Sir - Will you please
kindly consider the enclosed
in connection with the B.O.
because it refers to the
in accordance of F.O.
I enclose with the enclosed
and it was decided at Board
yesterday that the same was to
be sent on to D.O. so that you will
have it before you in passing orders.
I Mr Tawhls also wrote to Board
recently in connection with the
Kumuk settlement pointing out
that Rule 15 under Sec 63 (b) should
be amended & the phrase "the
word "the Collector and" L. 15 line

C. 26-3-86

FOR ORDERS.

D.O from Col. Hall
about amendment of

As understood in the appellate
office in respect of such rights
in claims - It may be deemed
well to amend the rule as
suggested therein the herein

kind of words used in
planting of rubber in
W. I. before to transfer to
Botanical Dept.

we have information from
Perkins (Hindle & Co) that
I am anxious to dispose of
one way or another

Yr. Lt
H. H. H. H. H.

C. 26-3-86
R. 30-3-86
P. 1-4-86

1886. Sept.
Revenue
10 39.

From J. Campbell
J. Campbell Wash. D.C.

Dated: 19 } Mar.
Rd 19

Regarding rules
for guidance of
Forest Sett. offi.
- cer.

C. 26-3-86
R. 30-3-86
P. 1-4-86

FOR ORDERS.

S.O. from Col Bra
about amendment

NOTE FOR THE SECRETARY.

I do not think that Govt.
should have anything to say
to proposals sent up in this
demi-official form. ^{In the case}
of Forest Settlement papers, even
more so than in that of purely
forest matters, proposals ought
I submit, invariably to ~~come~~
be sent up officially thro'
the Board. Some of the amend-
ments proposed by A.E.C.
Shant are good and advisable
and as there is no necessity
for any hurry in this

C. 26-3-86
R. 30-3-86
D. 1-4-86

matter Campbell-Walker
might be told d.o. to submit them thro' the Board.
Meanwhile the disposal of the Bd's Proceedings (C. No. 1897) can lie over until their receipt.

Has
23.3

No. 41

My dear Walker,

In reply to your Dec. of the 19th ultimo, I am directed to say that though Govt. are of opinion that Starks' letter to you, which I return contains matter worthy of consideration, they entirely disapprove of your coming up demi-officially and desire that anything that you may wish to advance should be sent up officially through the Board of Recs.

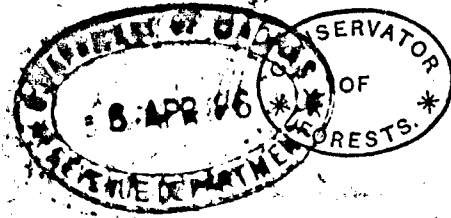
You will no doubt admit that there can be but one head in each Dept who is responsible to Govt. That head is in the case of Forests the Bd. of Recs. & Govt. therefore cannot allow Conservators to address them demi-officially on questions connected with the administration of the Dept.

I feel assured that but brief consideration will convince you of the justice of this and that you will discontinue the practice to which Govt. take very strong exception.

2^d April 1896.

Yrs. Sincerely
(J.D.) J.D. Price

Copy of D.O. 22419
22 April 1886.



73
44 April 86

My dear Mr. Price -
Your letter of the 2nd inst.
is at hand - I am only
too glad to hear of your
adoption, in my anxiety to facilitate
business, a course of which the Govt.
entirely disapproves -
It is not a new one and I have been invited
to adopt it by several Revenue Secs. which
may be considered an encouraging circum-
-stance -
In the instance under reference the present
member (Mr. Landon) has been so situated
latter at his office and concerned in long
difficulties that it had better go on to the
Rev. Sec. direct as the matter was then
before you - and he answered in his own
recommendation -
I am entirely in accord with your views

"He will record the evidence"

In state that there can be but
one head in each Dept^o altho
perhaps it would be more accurate
to substitute the words "ought to" for "can".
I have not, however, hitherto understood the
B^o of Revenue as the head of the Dept^o
but as the controlling authority -
In this I am doubtless in error and
I must confer with the Commissioner. But
as on the subject immediately at
issue from time to time
considerable savings can be effected
and, apparently in the opinion of Mr.
Trevelyan, efficiency secured by vesting
the whole post administration in
the B^o of Revenue and restricting
the duties & responsibilities of
Commissioners to those of inspection and
advice -
You will observe that, as you surmised,
it has occurred only "in consideration"

convinced him of the justice of the views
which you announced which it is in
any case my duty to accept and
by that you will surely be surprised
to find that I have not only "dis-
continued the practice" but also the
"take very strong exception"
You will of course be glad to be pleased to
concur in D.O. to your address
and, ~~that~~ ~~the~~ District Post
Officers appointments, and most
certainly other undersecretary re
promotions and decisions will be
called on with drawn and permit
me to remain truly yours
W. A. P. H. B. B. B.

Reve: 1886 Rept.

e 10. 5. 1.

From

J. Campbell Walker
Esq.

Dated 14th April.
R.D. 6th April.

Replying to D.O.
regarding discon-
tinuance of
demi-official
correspondence

C 20-4-86.
R 22-4-86.
R 26-4-86.
R 28-4-86.

REVENUE DEPARTMENT

D.O. No. 52

From

Col. Walker

Dated 4th April 1886

FOR ORDERS.

Let it drop -
if the do. correspon-
dence stops I
desire nothing
more of it

W. L. Walker
27/4

A copy of the D.O. written
in accordance with the
order on C. N. 41 and
Lt. Col. Walker's reply
thereto, are submitted
for the perusal of Hon
members.

The practice of writing
demi-official notes in
large numbers is certainly
not a new one for Lt. Col
Walker's pen. It has
formed the subject of strong

unsub on the bench of
the Bk. of Revenue, and
former Slave Leg. wrote
distinctly to Col. Mulder
on the subject (vide
copy of D.O. from W. Laffan,
Col. Mulder was told
once before (vide enclosed
sealed packet) that
he should come up
officially & not deny.
Officially and W. Laffan
who knows well what
has occurred told
me that he is certain
that W. Stokes never
came once north to
see Mulder telling
him not to address

things to them

disaffection to him or
Joh. 79
I myself am under the
impression that I anti
and then D.O. on this subject
of which a copy was
W.D. Keple. he has been offered
W. Laffan with me that he offered
Col. Mulder's assertion that
he has been arrested by Slave
Leg's to write denials of
him with the evidence
addressed to the contrary
has shown. He seems
to have been an impossible
offender
The tone of Lt. Col. Mulder's
D.O. is hardly what
can be considered proper.
That this is not a single
instance of his lack

C. Nos 1897, 3425, 3828.

The Board of Revenue.

From

Dated 23rd Feb. 18 Apr. & 6 May 1886.

FOR ORDERS.

Please see the note for orders on the first of these currents, which has already been circulated. Orders were not issued as a d.o. was on the subject was received from Mr A.S.C. Stuart. He was told to state his views officially and he has now done so.

The papers have become somewhat confused but the amendments proposed are briefly as follow:—

In Rule 1.

For "Forest Officer"
Read "Forest Settlement Officer."

In Rule 10.

Substitute the following for the 4th para beginning "In his adjudication":—

"He will record the evidence

D.O. from Col Walker re
his demi-official correspondence
FOR ORDERS.

The Honble C. F. Martin.

of compliance in future
will be formed from a
personal of his D.O.
in the State's practice.
His idea of the position
of the Bd. of Revenue
him appears to be
incorrect.

12/4.

C. 20-4-86.
R. 22-4-86.
RC. 22-4-86. 26-4-86. 28-4-86.
27-4-86.

and decide on the claim in the manner prescribed in the Code of Civil Procedure in appealable cases. He will also keep a register of all claims presented and inquiries held by him, which on a fair signed copy will accompany the final notification under section 16 of the Act.

In cases where appeals have been preferred Forest Settlement Officers will obtain copies of the appellate decisions which must be filed in the Forest Settlement Officer's record. A brief abstract of each appellate judgment will be prepared and entered by the F. S. O.

in the appropriate column of the register and reference shd. be made in the 'remark column' to the number and date of the original appellate judgment from which such abstract has been prepared."

In Rule 15

83

It has already been decided that the following addition shall be made to this Rule

" Such rights and privileges shall be recorded in the Register provided in Rule 10 as claims preferred on behalf of the public by the Collector or Dt. Forest Officer to

next with regard to the Form of the Register. The Board propose that there shall be two forms; one (No I.) containing the first five columns of the existing form, and the other (No. II) containing all these columns of that form, with the addition of one for each of the following

Brief summary of Dt. Forest Officer's arguments and evidence.

Brief summary of decision if any of Court of final appeal and settlement

Remarks.

As a separate register

is kept for each proposed reserve they wd. ~~omit~~ omit the second column (Name of proposed Reserved Forest) of the form originally prescribed. This amended form is really the proposal of Col. Walker, but adopted by the Board. (Board's Procgs. of 23rd Feb. 7)

Mr. A. E. C. Stuart proposes a few verbal amendments in the above form, which seem advisable. (Board's Procgs. of 6 May)

It is submitted that the proposals set forth above are all improvements. If they are approved they will be duly incorporated in the existing rules. The English requires correction in a few places.

Mr. Stuart complains that there is frequently great delay in disposing of appeals by H. Courts and suggests a

FOR ORDERS.

rule requiring appellate authorities to determine forest settlement appeals within a certain definite period, and Col. Walker supports this suggestion. The Board say nothing about it. I think it is very doubtful whether Govt. have the power to make such a rule, but it would in any case be very ill-advised to do so. The only thing that can be done is to require Mr. Stuart to give particulars of the delays complained of by him and then to invite the attention of the High Ct. thereto if necessary.

In conclusion I submit that Mr. Stuart's letter should have been forwarded thro the Col. Walker. Forest Settlement Officers are not subordinate to the Conservators. They occupy, or should, a perfectly independent

position, their immediate superior being the appellate authority (generally the Col^l) Mr Wolfe-Murray corresponds thro' the Collector, and Mr Sheart should do the same. The only diff. is that he is F.S.O. in two districts, and it wd. be difficult to know thro' which Collector a paper on a general subject such as this shd. be sent. The difficulty might have been solved by writing to the Bd. direct. In any case I submit that F.S. Officers should be perfectly independent of Forest Officer and I therefore suggest the insertion of the following ^{in the G.O.} para on this subject.

"The Govt. do not understand why Mr A.E.C. Sheart forwarded his letter to the

the object of which Mr A.C. Sheart
did appear to have been
brought Mr. Walker to hand

Mr. 224. issuing from
therefore seems to be unnecessary
28/5

Board thro' the Conservator of Forests, S. Division to whom he is in no way subordinate."

HAS
27.5.86

28/5

P.S. In a current note under disposal (Bd's Procs. of 17th April, 1886, Forest No. 200) the Board incidentally propose to have two distinct registers for claims under sections 10 and 11 respectively, the object being to separate all claims made under these two sections as the appellate authorities are different. This course might be convenient ~~seem advisable for some reason~~ but is not absolutely necessary. The F.S.O. can always split up a claim into two, when a portion of it falls under section 10 and the rest under section 11, and enter it in his register as two claims. It would I think be better to have only one final register dealing with all.

claims so that Forest Officer may be able base at a glance the encumbrances of his Reserve. In a multitude of registers there is confusion and this proposal of the Board would multiply the existing one register into four.

Has 4
28/5 31/5

all 3/6

Go 8-6-86 No 444.
Amendment of the rules under -
Sec 43 of the Forest Act.

For the Board of Forest Officers
For the Board of Forest Officers

C 31-5-86.
R 4-6-86.

A:

Register of claims to lands, rights to forest produce, or easements in the proposed reserved forest.

No	Names of claimants	Date of presentation of claims	Nature and extent of claims proposed	Remarks
1		3	4	5
2				

C31
R4

B.
Register of claims to lands; rights to forest produce or easements in the proposed — reserved forests.

No. 1 2 3 4 5 6 7 8 9
Names of claimants. Date of nature and of the evidence adduced in support of claims produced by him sett. officer. Brief summary of the contents of the decision of the court. Brief abstract of the decision of the court.

11 93
Read c. nos 1897, 3425 and 3828.

Read also extracts of paras 13 & 14
of W.D. Prop. no 200 of 17th April 1886.

Order no 441 of 8-6-86.

In the foregoing papers
the Board of Rev submit certain
suggestions for the
~~proposed~~ amendment of
the rules issued under sec 63 of the
Madras Forest Act (1 of 1882)
to regulate the procedure of Forest
Settlement officers. These proposals
have the general approval of
His Excellency the Governor in
Council.

2. Mr A. S. Estlin
complains that there is frequently
great delay in disposing the disposal
of appeals by District Courts
and both he & Col Walker suggest
that a rule be framed
requiring appellate authorities
to determine forest settlement

appeals within a certain definite period. But the Govt doubt

the legality of making such

a rule, ^{but} ~~and in any case~~ they

Consider it ^{that, in any case, such a measure} highly undesirable

to do so. Mr Stuart will, however,

be directly directed to give

particulars of the delays complained

of by him and the Govt will then,

if necessary, address the High Court

on the subject.

3. In paras 13 & 14

of their Progs No 200 of 17th April

1886, the Bd of Revenue incidentally

propose the maintenance of two

distinct registers for record of

claims under sections 10 & 11 respectively

the object being to separate the

claims under these sections, on

the ground that appeals lie

to different authorities. The

Govt are of opinion that this

is unnecessary and that a

multiplicity of registers would

It would be
such a measure is both unnecessary
and undesirable.

only create confusion. The Forest
Settlement officer can always
split up a claim into two when
a portion of it falls under sec 10
and the rest under sec 11 and
enter it under as two claims in
his registers. A rule to this
effect will be added to the rules
under sec 63.

4. In the reference to
para 2 of the Govt Progs No 478 of
23rd Feb 1886, it is observed
that the question as to the form
in which progress reports should
be submitted is one entirely for
the decision of the Board of
revenue who are responsible for the
efficient progress of forest
settlement and for the control
of Forest Settlement officers.

5. The following
amendments of the rules will
notification will be published
hereafter in the Fort St
George Gazette.

Rule 1. For "Forest officer" read
"Forest Settlement officer".

Rule 10. Substitute the following
for the second, third & fourth
paragraphs.

The claims on which he
will have to adjudicate will consist
of two classes:-

- (1). claims to land.
- (2). claims to rights of the nature
of easements specified in sec 10
of the Act.

He will record the evidence &
decide on the claim in each case in
the manner prescribed by the Code
of Civil Procedure for adoption in
appealable cases. He will also
maintain two registers, A & B,
in the accompanying forms and,
will enter in the former all
claims as they are received and
in the latter all claims as they
are disposed of. Register B, or
a fair & signed copy thereof,
shall be forwarded to the Govt
with the draft notifications

Notification.

His Excellency the Govt in Council
is pleased to direct the following
amendments in the rules published
under sec 63(6) of Act I of 1882.

When a claim falls partly
under Sec 10 and partly under
Sec 11, the F. S. officer will
separate those parts of it which fall under
Sec 10 from those falling under
Sec 11 and will
enter the same in his register
as distinct claims.

In cases in which
appeals are preferred against
his decisions, the Forest settle-
ment officer will obtain copies
of the appellate decisions which
should form part of the Forest
Settlement record. A brief abstract
of each appellate judgment shall
also be prepared and entered in
the appropriate column of Register
B, reference being made in the
"Remark column" to the number
and date of such judgment.

Rule 15. Add the following
at the end of the rule.

"Such rights and privileges
shall be recorded in the registers
provided in rule 10, as claims
preferred on behalf of the
public by the Collector or

on District Forest Officer

Draft for the amount of Rs
under Sec 63 of the Forest Act

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31.000 200-24-500
Supt. 444 A.
Copy to the Govt of India,
Home Dept (Forest) with reference
to their circular No 349.
Z. of 29th April 1886.

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To 16 m road of Karaman.
25% Dr of Rev. Settlement Officer
1% Supt. Q. & C. Office

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