

Revenue (1897) Department.

Miss
ROUTINE SERIES.

G.O., No. 2103

DATED 27th April 1897

[Despatch Abstract.]

Expressing concurrence in the Board's view that
the proposal to introduce the Fresh Act into the Madras
estate should be held in abeyance.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	2107	Rw.	27-4-97				

Revenue (1897) Department.

CURRENT No.



The Hon. Mr. Froese C.S. From
The Hon. Mr. Bliss C.S. The Board of Revenue, Land Revenue
Madras
Order - misc
The Govt agrees
with the Board of Rev.
Forest No. 298 His.

Dated 1st April 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Submitting to Government a report on the management of the Madgole Estate Forests, Vizagapatam District by the Forest Department, and considering that the proposal to introduce the Forest Act into the Estate should be held in abeyance.

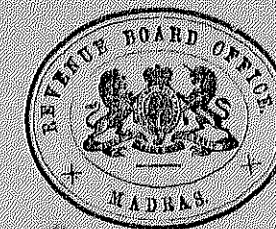
Recd by Govt
17/5/97
Bm
5/5/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Land Revenue)

Forest NO 298 Mis, dated 1st April 1897

Read again Board's Proceedings Forest NO 1636 Mis, dated 16th December 1896, recording G.O., recording with remarks B.P submitting to Government with remarks the Budget estimate of the Madgole Estate Forests for the forest year 1897-98 and a report of their administration during the Forest year 1895-96

Read endorsement of the Conservator of Forests, N.C. dated 30th January 1897, R.C. NO. 1595, on letter from the Collector and Agent to the Governor Vizagapatam, dated 13th January 1897 Dis, NO. 861.

Read endorsement of the Conservator of Forests, N.C. dated 22nd February 1897, R.C. NO. 1572, on letter from the Collector and Agent to the Governor Vizagapatam, dated 7th February 1897 C. NO. 1311.

Read also endorsement of the Conservator of Forests, N.C. dated 11th March 1897, R.C. NO. 1710, forwarding letter from the Collector and Agent to the Governor, Vizagapatam, dated 6th March 1897, Ref. NO. 1311 informing the Board that the Madgole reference has been answered.

Resolution.

Submitted to Government with reference to Government Order NO. 5045 Mis, dated 9th December 1896. A brief history of the case leading up to this Government Order is set forth in paras 2 to 4 of the Collector's letter first read above.

2 With reference to the enquiry made in the G.O. in question, the Collector and Agent reports that after considerable delay and wavering on the part of the Dewan, and after the

District Forest Officer, Mr. Cox, had paid a personal visit to him and to the Rani, a written statement was obtained from that lady waiving her objection to the introduction of the Forest Act into certain forests (Sankaram) under mortgage. The Collector, however, adds that it is very undesirable to apply the act to the Madgole forests, because

- (a) portions of the Estate forests are under mortgage, and
- (b) the question of the estate escheating to Government is uncertain.

In his second letter of February 7th the Collector refers to certain papers, which had not before been brought to his notice, and again urges that the idea of undertaking the management of these forests should be given up. The Conservator endorses these opinions.

3 It will be observed that as regards the first point

(a) when Mr. Thornton, the late District Forest Officer, originally proposed the scheme for the management of the forests, he did not allude to the existence of mortgaged forest lands. He only mentioned that several mokkhasadars claimed specific rights over some of the forests. It would appear that Mr. Thornton was repeatedly assured by the Rani and the Dewan that there was no such mortgage. The information given by the Rani to the Conservator was also to the same effect, but the Collector now points out that several villages, including the Sankaram forests, are under mortgage. Mr. Horne refers to the mortgage deed printed in Board's Proceedings 5630, dated 26th May 1891. This mortgage was given by Madgole to Jeypore, when the latter estate was under management, and the properties involved are clearly specified. As regards other mortgages the information is less accurate, and the amount of forest land included in any of them is not ascertainable. The Collector adds that even assuming that Government would be disposed to apply the Act to unencumbered portions of the Estate, the task of ascertaining what such portions are and of demarcating their boundaries would be a hopeless one.

4 In regard to the second point (b), it is understood that even Mr. Willock, who originated the idea of taking up the management of the forests, did not intend to advocate the step,

unless it was probable that Government would succeed to the Estate on the death of the present Rani. During his absence the matter appears to have been somewhat hastily pushed through. The question of the reversionary claim on the part of Government to the Estate appears to be still an open one. In para 24 of the opinion recorded in G.O. Judicial NO. 494, dated 15th March 1890, the Government Pleader stated that on the death of Amidevi, the daughter of the surviving senior Rani, the Estate must escheat to Government; but it is reported that according to a recent decision of the Madras High Court the daughter of Amidevi, one Rajandramani, has a right to succeed to the Estate. Rajandramani is a young widow of 30 years and the question of succession is stated to be further complicated by a proposal to advance the claims of the adopted son of the Rani of Kaliyanasingapur to the succession.

5 The senior Rani is old and it is presumed that her death would nullify any lease she made to Government or any other arrangement into which she might enter. There is ~~very~~ doubtless some confusion on the subject and it would not be worth while to undertake the management, unless there was good reason to believe that Government could claim a substantial title on the death of the present Rani. To this end the Collector proposes to find out the exact position assumed by the Jeypore Maharajah and the Board has desired him to do so. The question of management may be further considered when the Collector furnishes the ~~required~~ required information, but the Board considers that in the meantime, the proposal to introduce the Forest Act into the Madgole Estate should be held in abeyance.

6 The Board understands from its present third Member Mr. Willock, that it was only with a view to saving a large area of valuable forest from destruction that he originally contemplated Government taking up the management of these forests. This subject appears to be amply secured, for the present at all events, in respect of the forests on the slopes of the

hills by the absence of communications and the impossibility of removing timber.

(True Extract)

Deela

Secretary

To the Secretary to Government, R.D. with Collector's letters

and Conservator's Endorsement in original to be ret'd.

To the Collector of Vizagapatam thro' the Conservator of Forests, N.C.

(The Collector is requested to obtain further information noted in para 5)

The Hon: Mr. Prose C.S.

~~The Hon: Mr. Bliss C.S.~~

27/11/97

JR

23.4.97

To the Board of Rev: L.H.
(2 x 0) min
mes

Checked
28.4.97

Wille
16.4.97

Note

From the first two pages of the note flagged A it will be seen that the reasons which actuated the Agent and the Board to propose the introduction of the Forest Act into the Madgole estate were

(1) that smuggling in the adjacent goat forests could be prevented

C 22/4/97

prevented

(2) that the catchment basin of two important rivers could be protected

(3) that the Boat would get working expenses and a commission of 5% p.c. on receipts. &

4. that the whole Zemindari would probably escheat to Govt on the death of the present Rani and her niece (i.e. Rajendramani)

The Huns were willing to accept the proposal but in regard to a stipulation which the Hani had made to the effect that she should be allowed to front pallas within the forests they thought ^{that} ~~the~~ it would interfere with efficient management and that the front of pallas should only be made with the consent of the S.G.O. The Agent was accordingly asked by wire to enquire and report whether the Hani would agree to this but in definite reply on the point appears to have yet been received from the lady.

The Board now re-
ports that the original proposal
that the Govt. should encourage the
estate

flagged B.

The agent reported so on 28th July 1896
 May F. Subsequently both an agent
 & the Board appear to have lost
 sight of this point. The Agent in
 para b of his letter to me had
 dated y^r^d Feb 1897 CNO 1311 (Happ)
 and the Board in its resolution
 under consideration report upon
 quite a different matter viz
 the enforcement of the Act to the
 say amount to costs as made by
 the ~~last sentence of para one~~
 the ~~enforcement of them~~ of para
 6 of the Collector's letter "unintelligible"

Nothing was said
about encumbrances
in reporting to Govt.
The estate was
anticipating and after
the death of the
present Kani but
after the death of that
one never happened
Kani. W. L.
10/1/97

+ It is also reported that the portion under mortgage cannot be separated & sold apart from the portion that is not — owing to the intricacy of the estate in which the affairs of Madge's estate are

filed
10.1.57

Mr Willock was the
collector who originally
prepared the schedule.
As far as he knows it
is because he deemed
the estate too poor
circumstances which
besieged about early
date

Wm
10th 97

estate forests would not have been made but for the fact^f that they
had been were represented to be almost free
of encumbrances and they would
necessarily escheat to Govt on the
death of the present Rani,^o while
the enquiries since instituted
show that a considerable portion
of these forests are now under
mortgage^t and that the chances
of the estate reverting to Govt
are few and remote. The Collector
has promised to institute further
enquiries into the matter and
the Board suggests that in the
meantime the proposal to in-
troduce the Act may be held in
abeyance. It is added ^{by the Commissioner} that the
absence of communication and
the impossibility of removing ^{timber} will
for the present protect the valuable
forests on the slopes of the hills
from destruction. It is submitted
that in the circumstances the
Board's suggestion ^{which is made in consultation with the Forest Officer} may be accepted.
But it must be mentioned here
that the information given in
para 4 of the B.P. in regard to
Rajendramani the niece of the
Rani.

Form is not new (old page flagged C.)

CNO? 1533, 3301, 3791

and 4361 of 96 may it is sub-

mitted be separately recorded

with reference to ^{the} present G.O.

A Separate ^{note} Draft

will be ~~also~~ submitted in re.

gand to ^{the modification of the rules under Sec 26 * flagged E} ~~abandoned~~ ^{with re-}

ference to the H.M.'s orders

contained on the page of the

note flagged D. It is found

^{By me} 9.10.97 that some other rules

are also defective and

require modification

11/11/97
10.10.97

The matter appears to
have been originally submitted
to Govt without proper & full
enquiry as to circumstances.

When given for copying

When copied

When examined

When signed

189

RECAP AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTERS OF GOVERNMENT

STATEMENT WITH DFTO

PAPERS NOT FILED UP, BRING MEANT FOR DISPATCH
IN ORIGINAL.

A A A A A A A

D.B.

A = Copy in full.

B = Not to be copied.

F = Copy abstract only.

G = Copy heading only