

REPORT
OF THE
BOMBAY FOREST COMMISSION.

VOLUME II.

**ORAL EVIDENCE AND EXHIBITS PRODUCED
BY WITNESSES.**

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1887.

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APPENDIX A.

List of Forest Leaves now used in the Kolába District and for what use (other than Manure for which all are used).

Tád.—(*Borassus flabelliformis*) toddy palm, or brab tree, (from the Portuguese-palmeira *Káva* wild palm) thatching.

Teak.—Thatching, lining corn-bins, flooring the germinating bed for salt rice.

Palas.—(*Butea frondosa*) plates, umbrellas, lining baskets, and sometimes thatching.

Karambel.—(*Dellenia pentagyna*) plates.

A'mándi.—(Unidentified).

Kudi.—Unidentified*) plates fresh only.

Mávali.—(*Bauhinia vahlii* of Lamarek).

A creeper Do.

Apta.—(*B. racemosa* of Lamarek). There is confusion about the identification of these plants. I follow Brandis. *Mávali* is a creeper, *apta* a large bush or small tree. Cigarettes.

Temri.—(*Diospyros* sp.)

Do.

(Signed) W. F. SINCLAIR,

Forest Settlement Officer

* Probably a *wrightia* is exported to Bombay from Elephanta only.

(True Copy)

ALFRED KEYSER,

Collector.

APPENDIX B.

Ráb Materials in the Kolába Forests.

N.B.—In open *Reserved* forests the list is naturally one of materials that *may* be taken, the presumption being against a permission.

In *Protected* forests, on the other hand, the presumption is that everything, excepted teak, may be taken, and this is the ordinary register entry in the southern villages, where the Survey Department was much more careful than in the north.

The list here therefore is one of trees that *may not* be taken.

LIST A.

Ráb materials in open Reserved Forest.

Grass, dead leaves, brushwood, loppings of the following trees:—

- (1) *A'in* (*Terminalia tomentosa*).
- (2) *Kinjañ* (*T. paniculata*).
- (3) *Sáttvin* (*Alotonia scholaris*).
- (4) *Kát Sávar* (*Bombax malabaricum*).
- (5) *Kumbha* (*Careya arborea*).
- (6) *Umbar* (*Ficus glomerata*).
- (7) *Dhávda* (*Anogeissus latifolia*).
- (8) *Koshimb* (*Schleichera trijuga*).
- (9) *Nána* (*Lagerstræmia lanceolata*).
- (10) *Bhondaga* (*Lagerstræmia parviflora*).

As regards the 7th, 8th, 9th, and 10th trees, though I would allow them to be lopped in *Reserved* forests now left open, yet I would not permit it in any forest that has once been closed, and brought into good condition. The people have in many places begged hard for them; as in certain jungles they replace the terminalias and the specimens now standing are most fit for nothing, but lopping, and "used to it like the ells." But after a closure it may fairly be presumed that there will be many good saplings of all four in the forests; and as all four are good timber trees, capable of growing to full size, even on our rocky land, it would be most undesirable to permit these to be lopped.

It may also fairly be presumed that after closure there will be enough of the other six species, and of brushwood, in the re-opened forests to compensate the villagers for the loss of the four trees.

Ráb Materials in open Protected Forest.

Grass, dead leaves, and loppings of all, but the following trees. The product for the sake of which lopping each tree is forbidden, is added :—

Teak (*Tectona grandis*). Timber.
 Mango (*Mangifera indica*). Fruit and shade.
 Tamarind (*Tamarindus indica*). Fruit and shade.
 Niv (*Anthocephalus kadamba*). Fruit and shade.
 Vekala (*Terminalia bellerica*). Fruit and shade.
 Hirda (*T. chebala*). Fruit and shade.
 Shikekái (*Acacia concinna*). This is a creeper. Fruit and shade.
 Jack (*Artocarpus integrifolia*). Fruit and shade.
 Palas (*Butea frondosa*). Leaves.
 Karmbel (*Dillenia pentagyna*). Leaves.
 Temri or Ebony (*Diospyros* sp.). Leaves.
 A'pta (*Bauhinia racemosa* (Lamarek)). Leaves.
 Amandi (Unidentified). Fruit and shade.
 Shembi (ditto) Bark.
 Vad or banyan (*Ficus bengaliensis*). Shade.

This seems a formidable list but none of the trees mentioned, except the mango, are common enough to be important as sources of manure, and I have carefully consulted the villagers of many villages, who have all agreed upon it.

(Signed) W. F. SINCLAIR,
 Forest Settlement Officer.

(True Copy)

ALFRED KEYSER,
 Collector, Kolába.

Exhibit No. 24.

(Referred to at page 299.)

Reserved Forest in the Village of Ráhatad, Táluka Mángáv.

Notified Numbers.

Nos.	Area.	Register entry.
	A. g.	
160	195 13	Forest reserve, cattle to graze free. <i>Ráb</i> may be cut except teak.
172	297 12	Government forest.

Petition dated 4th January 1880. Present before the Settlement Officer :

The *kárkun* of *khot* Vishnu Náráyan, who lives at Tale, appears with some of the villagers, who state: We had the right of cultivating in these numbers until the survey. Now we only graze our cattle and cut *ráb* material in them. The *khot* did not agree to settlement; enters into yearly agreement. Claims under it $\frac{1}{4}$ share of timber. There is no appointed agent in the village to look after the forest. The *kárkun* goes to the village from time to time.

(Signed) T. HAMILTON,
 Forest Settlement Officer.

Indápur, 22nd November 1882.

Decision.

The road to Girve must be kept open. Right of way to occupied numbers 132—3 is also admitted. With these exceptions I declare for the reasons recorded that the gazetted lands are free of rights.

(Signed) T. HAMILTON,
 Forest Settlement Officer.

6th March 1883.

(True Copy.)

W. F. SINCLAIR,
 Forest Settlement Officer, Kolába.

Exhibit No. 25.

(Referred to at page 299.)

Proposed Reserved Forest in the Village of Tickarde, Taluka Mangav.

Number notified, 1883.

No.	Area.	Register entry.
	A. g. a.	
56	70 13 0	Government forest and free grazing.

Notification published 9th August 1883.

Petition dated (none).

Present before the Settlement Officer :

Abaji Parshram Bhat, *khot* (and some dozen villagers), who states that ever since the survey he has been asking for this number to be given over to his occupancy, saying it was part of the *khoti* before the Survey. There are 260 acres of assessed *varkas* in the village which has 45 houses and 150 head of cattle. The land is wanted for grazing and *rab* and firewood.

Decision.

The *khot's* contention is the same as usual—a claim to the ownership of the soil of the village. This I reject as I have done in so many previous instances. Nor can I admit under the Government rulings any rights as belonging to the rayats to grazing or *rab*-cutting. I therefore declare the land free of rights, except a right of way to survey number 57 and to Medhe and Kondthare.

(Signed) C. B. WINCHESTER,
Forest Settlement Officer.

Camp Indapur, 28th February 1884.

(True Copy)

W. F. SINCLAIR,
Forest Settlement Officer, Kolaba.

Exhibit No. 26.

(Referred to at page. 299.)

Reserved Forest in the Village of Sandoshi, Taluka Mahad.

Number notified, 1879.

No.	Area.	Register entry.
	A. g. a.	
108	1,383 18 0	Government forest.

Petition dated 6th January 1880.

Present before the Settlement Officer :

Bapurav Bhavarav, *khot* states : Too much of my land was taken up for forest. I ask that some of it may be given back to me. We are allowed to cut *rab* in it. We do not cut down the trees.

(Signed) T. HAMILTON,
Forest Settlement Officer.

A'kle, 14th December 1882.

Memorandum.—Paulaghát lies over this number.

Decision.

The Paulaghát road must be kept open. With this exception I declare this number to be free of rights.

(Signed) T. HAMILTON,
Forest Settlement Officer.

Alibág, 8th March 1883.

(True Copy)

W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 27.

(Referred to at page 300.)

Reserved Forest in the Village of Shirsád, Táluka Mángáv.

Number notified.

No.	Area.	Register entry.
	A. g. a.	
191	139 22 0	Forest reserve. Cattle may graze free.

Petition dated

Present before the Settlement Officer :

Bhikáji Purshotam Bháte, *khot*-sharer, states : I will not agree to sell No. 131 to Government. As to No. 191 I claim rights of cutting *ráb*, firewood and of grazing in it. I did accept the survey lease of 30 years. Under clause 15 the numbers set aside as forest reserve were Nos. 169, 182, 186, 191 and 194—five numbers.

I accepted the lease as *khot*, but the *khots* of Shirsád are the *dhárekaris*, and as such I claim ownership of all the village lands and the timber thereon.

Puts in various leases under which he claims portions of No. 191, which he says were wrongly included in that number. Cannot, however, show these portions on the map.

Puts in agreement between Dr. Gibson and Rámráv Vásudev, father of one of the *khot*-sharers. States that Rámráv Vásudev is dead. Claims $\frac{1}{2}$ share of teak under this agreement

Khots of this and other villages ask on what points they should bring evidence. I tell them as follows :—

1. As to the right of Government or otherwise of giving out for reclamation, without reference to *khot*, hill land in *khoti* villages prior to the Survey.

2. As to rights of *khot* or otherwise to cut down all or any trees on the forest land of their villages up to the time of the Survey.

3. As to the application of Dunlop's proclamation to them, *i.e.*, as to their ownership of the soil of their villages or otherwise.

They are allowed to the 23rd January to bring their evidence on these points.

(Signed) T. HAMILTON,
Forest Settlement Officer.

Indápur, 23rd November 1882.

Hari Rámchandra *khot*-sharer appears and brings with him certain documents in proof of his ownership of No. 191. Copies of these are taken and recorded.

(Signed) T. HAMILTON,
Forest Settlement Officer.

1st February 1883.

Decision.

Right of way to No. 131 in 191 is admitted. With this exception I declare for the reasons recorded that No. 191 is free of rights.

(Signed) T. HAMILTON,
Forest Settlement Officer.

19th March 1883.

(True Copy)

W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 28.

(Referred to at page 300.)

Proposed Reserved Forest in the Village of Shirsád, Taluka Mángáv.
Numbers notified, 1883.

No.	Area.		Register entry.
	A.	G.	
169	41	10 0	} Forest reserve and free grazing.
182	121	31 0	
186	145	20 0	
194	29	31 0	Free grazing.

Notification published 21st August 1883.

Petition dated (none).

Present before the Settlement Officer :

Bhikáji Purshotam Bháte and three or four others, who state that this land is all *dhára* land—at least that it was so before the Survey; and at the Survey only the right of cultivating was abandoned and nothing else. Survey No. 194 is very near a hamlet of the village. Survey No. 186 ought at any rate to be released for the general good of the village. Survey No. 169 is claimed by Jagannáth Máháráji Vádhi, who says it was actually entered in his name and that he paid Rs. 10-8-0 for it one year. It appears on cross-examination that the assessment was reduced on his own petition. There are 1,712 acres of assessed *varkas* and 500 houses, there being twelve separate hamlets. There are 1,000 or more 1,500 head of cattle.

Decision.

There is no evidence to show that even supposing the land to have been originally the *dhára* of the petitioners they did not know very well what they were doing when they gave it up at the Survey. The claimant of survey No. 169 certainly did, for it is clear from what he says that it was given up at his own request, though he tries to make out that he merely said the assessment (4 annas per acre) was too high, I therefore reject the claim to ownership as *dhárekariis*. I also reject the claim to ownership as *khot* on the general ground on which all such claims are rejected, namely, that the *khot* has no more rights than any other occupant of the village over unassessed land. The permissive privileges of grazing, *ráb*-cutting and firewood are not rights under the Government rulings, I therefore declare the land free of rights except rights of way over survey No. 182 to Nizámpur and over survey No. 186 to Shirolí.

But the village is so populous and the hamlets so numerous and some of them so close to the gazetted numbers that it will probably be advisable for the demarcating officer to disforest some portion. At any rate not more than half the forest area should be closed at once.

(Signed) C. B. WINCHESTER,
Forest Settlement Officer.

Camp Indápur, 3rd March 1884.

(True Copy)

W. F. SINCLAIR,
Forest Settlement Officer.

Exhibit No. 29.

(Referred to at page 301.)

No. 206 of 1886-87.

FROM

R. RYAN, ESQUIRE,
Divisional Forest Officer, Kolába;

To

ALFRED KEYSER, ESQUIRE,
Collector of Kolába.

Alibág, 13th August 1886.

SIR,

With reference to your No. 3161, dated 3rd instant, I have the honour to report as follows:—

2. Prior to 1883 *kárví* used to be sold by the Forest Department. Since 1883, or rather since the publication of Government Resolution No. 8633, dated 24th November 1883, no *kárví* has been sold by the Forest Department. In that Resolution it is clearly laid down that no *kárví* is to be cut until it has seeded. Wild tribes have, therefore, not been permitted hitherto to remove *kárví* from Government reserves for sale free of charge. If the concession, to remove *kárví* for sale free of charge, be granted to the wild tribes I am of opinion that it will not materially help them. *Kárví* thus removed would be sold to people residing in large non-forest villages or towns and possibly in some instances it would be collected on behalf of traders.

1. Government Resolution No. 4719, dated 10th June 1885, regarding the settlement of the Bhivandi taluka, paragraph 6.

2. Government Resolution No. 5019, dated 22nd July 1885, paragraph 11, regarding the Forest Settlement of the Bassein taluka.

3. If a small fee were to be charged, Thákurs and Kátkaris in order to make a small profit would merely have to raise their prices a little. As it is Government have, in the Government Resolutions marginally noted, conceded to forest villagers the privilege of removing *kárví* free of cost for their own use.

4. Minor produce as marginally noted has hitherto been sold in the Kolába Division.

1. *Hirda*.
2. *Shukrádi*.
3. *Shembi* bark.
4. *A'pta* leaves.
5. *Tembhurni* leaves.
6. *Palas* leaves.
7. Honey.
8. Wax.
9. Mango fruits.
10. *Karnandi* (berries).
11. *Kárví*.

During the present season, however, owing to various privileges which have been conceded by Government the following articles will not be farmed:—(a) *shembi* bark, (b) *palas* leaves, (c) honey, (d) wax, (e) wild fruits, (f) *kárví*.

5. A statement showing the details of receipts from minor produce from 1879 to 1885-86 accompanies. (Printed in Volume IV.)

I have, &c.,

R. RYAN,
Divisional Forest Officer, Kolába.

Exhibit No. 30.

(Referred to at page 301).

Abstract of Orders on Dalhi.

No.	Year.	Contents and authority.
1	1836	From <i>Kámdajeddár</i> of Rálgad permitting Kátkaris to graze 10 sheep and cultivate 10 <i>pánda</i> free.
2	1843	Collector of Thána directing in future, in supersession of former orders, a levy of one rupee per <i>bigha</i> on all cultivated land.
3	1856	Circular order of Collector of Thána limiting <i>dalhi</i> to places where there is no valuable timber, &c.
4	1862	Collector of Thána ordering stoppage of <i>dalhi</i> where it is destructive to forests; cites Secretary of State's No. 7 of 15th February 1862.
5	1841	Collector of Thána on petition of Kátkaris of Bhivandi granting exemption of areas of 10 <i>pánda</i> .
6	1858	Order from Captain Francis, Superintendent of Survey, directing levy at former rate (8 annas for each <i>koita</i> ?) for the current year.
7	1858	From the same. Directing exemption of 10 <i>pánda</i> , i.e., $\frac{1}{4}$ acre as heretofore, and a levy of one rupee an acre for cultivation of larger plots. The Commissioner in his No. 501 of 21st February 1860, took exception to the Superintendent granting this exemption without sanction.

Exhibit No. 31.

(Referred to at page 301).

Received with Collector's endorsement No. 784, dated 19th April 1862, for information and guidance.

Extract para. 5 of a letter from Her Majesty's Principal Secretary of State for India, No. 7, dated 15th February 1862.

"Para. 5.—With respect to the remarks of Mr. Dalzell on the subject of the reluctant sanction given by your Government in October 1858 to the practice of *kumri* cultivation, I wish to remind you that my approval of the Resolution of your Government referred to and that of the 10th January 1859 in my despatch of the 20th September 1860, No. 30, was given on the understanding that it was only permitted, where its abolition would be oppressive to the poorer classes of cultivators, whose only means of subsistence was derived from this source. I am of opinion that wherever practicable this system of cultivation and that of *dalhi*, which appears to be almost as mischievous, should be entirely prohibited, as it is now in other parts of India, where it has been found to be both morally and physically pernicious to the people as well as to the forests. With respect also to paragraphs 22 and 23 of Mr. Dalzell's report, the Collectors should be enjoined to use their influence against the practice as much as possible with private proprietors, who allow it on their estates."

No. 1229 OF 1862.

REVENUE DEPARTMENT.

Forwarded to the Revenue Commissioner, N. D.

(Signed) J. B. PELLE,

Acting Under Secretary to Government.

Bombay Castle, 26th March 1862.

No. 717 OF 1862.

Camp Katcha, 31st March 1862.

Forwarded to the Collector of Thana for information and guidance with reference to former correspondence.

(Signed) B. H. ELLIS,

Revenue Commissioner, N. D.

(True Copy)

(Signed) F. F. ARBUTHNOT,

Acting Sub-Collector.

Exhibit No. 32.

(Referred to at page 302.)

MEMORANDUM,

I presume that what you want to know is how far the *khots'* right to trees is affected by Mr. Dunlop's proclamation, because on the date of the proclamation there were only two tenures—*khots'* and *dharekari* (survey occupancy did not then exist as no part of this district was brought under the survey settlement until 1863). The *dharekaris'* right to trees including teak and *sisu* also has been admitted by Government. It is, therefore, in regard to the *khots* alone that the question has not yet been finally decided.

2. The only paper which can explain the scope of Mr. Dunlop's proclamation is his own letter, dated the 18th October 1823. I regret to state, however, that no copy of it is forthcoming on my records. I send you herewith a copy of the Government reply (*vide infra* page 411) to that letter, which will enable the Commission to obtain the information from the Secretariat.

3. Mr. Dunlop seems to have left this Collectorate about the end of 1824. His successors were in 1825-26 Mr. Gilbert Moore; in 1827 Mr. Harrison, and in 1828 Mr. Reid. It is not probable, therefore, that there could be any correspondence on this subject between Mr. Dunlop and Government in 1827; nor can I trace any letters written by any of his successors on the depredations committed in the teak forests in the *Sivarnadurg taluka*.

4. Moreover, the proclamation was published on the 1st March 1824 with the previous sanction of Government and there could apparently be no necessity for discussing the matter three years later.

5. I trust, therefore, that the correspondence you allude to is the one I have mentioned in the 1st paragraph.

6. At the time the proclamation was published, the Rátnágiri district contained, in addition to the present territories, the *tálukás* of Sanksi, Rájpuri and Ráigad. These were transferred to Thána in 1832.

7. I have never had the benefit of perusing Mr. Dunlop's letter. In 1873 one Bábáji Janárdan Gádgil of Tivra, a village in the Suvarndurg *táluka*, filed a suit against Government claiming a right to the teak trees in certain portions of the village. The applicability of Mr. Dunlop's proclamation to the forest in the said village came into question and his letter was then produced in the court. You will be able to form some idea of its contents from the extracts given at page 12 of the accompanying judgment (*vide infra*). The case is still pending in the High Court.

8. You will also find from the proclamation given at page 14 (*vide infra* page 407) that the only forests which were expressly excluded from its operation were those mentioned in the margin. The scope of the proclamation was in this district subsequently restricted by another proclamation, dated 19th June 1851. This measure had also the previous approval of Government, but in the case noted in the margin, it was held by the High Court "that Government cannot, by issuing a subsequent proclamation, resume a grant made by a previous proclamation, inasmuch as it cannot, any more than a private person, without the consent of the donee revoke a gift actually made."

9. The proclamation of 1824 has often been the subject of comment in the civil courts. The leading cases are those known as Pigondi case and that of Raghunáth Rámájiráo Survey v. The Collector of Ratnágiri, in both of which it was held that unless a *khof* was proved to be a proprietor of his land, the proclamation neither conferred upon, nor confirmed to, him any rights in the timber trees. Whether *khote*, as such, have a proprietary right is a point on which several forest suits are still pending in the High Court, and from what I am given to understand by the Government Vakil, the leading cases will be decided in the course of the next two months.

Ratnágiri, 17th August 1886,

R. F. CANDY,
Collector, Ratnágiri.

Extract paragraphs 15 and 16 and 19 of judgment of the District Court of Ratnágiri in Original Suit No. 1 of 1874, the plaintiff being Bábáji Janárdan Gádgil of Tivra and defendants the Collector of Ratnágiri and the Conservator of Forests, N. D.

15. The first document relating to the existence of a Government forest at Tivra is Exhibit 104. This is a report in English, dated the 18th October 1823,* made officially by Mr. John A. Dunlop, Collector of the Southern Konkan, to the Secretary to the Government of Bombay in the Public Department. It is proved by a certified copy. It is "on the subject of investigations into the depredations committed on the teak forest, situated in the Suvarndurg *táluka*." The forest of which Tivra forest forms a part is thus alluded to in paragraph 2 :—

"Tradition records that Kánoji Angria, about one hundred years ago, procured teak seed from Malabár and sowed it in the neighbourhood of Suvarndurg, appropriating portions of the lands of three villages for that purpose. Since that time this forest has been called Band and has been preserved with the utmost care, so that the trees had increased greatly in number, and as all the ground where teak sprung up was retained and thenceforward considered as forest, it is said to have extended much beyond the original limits."

"3. Establishments were maintained for the preservation of the trees up to the time of our acquiring the country, and Mr. Pelly entertained a *karkun* and three peons also for that purpose; but from some misapprehension of the value, a practice obtained of granting orders for cutting wood in this forest to different people; these were mostly confined to applications for religious purposes, such as building mosques and pagodas, but from the want of proper checks to ascertain that these orders were not exceeded, the persons holding them and even others under the cloak of their names, soon began to cut wood to a great extent, and this forest, so long and carefully preserved, has been completely destroyed, for though there is no want of young plants many years must elapse before the trees can attain any considerable size."

Mr. Dunlop then alludes to the teak forest in the Tudil and Vinhere districts of the Suvarndurg *táluka*, which forest "also belongs to the State" (paragraph 5) "and was preserved by the former Government, but not so particularly as the other" though many trees were big enough for masts. Mr. Dunlop in paragraph 6 says :—"It was unfortunate that after Mr. Pelly no Collector was long enough in the District to become personally

acquainted with these circumstances." He then states that the *Sarkamávisdár*, who ought to have checked depredations, had largely entered into them himself and he was therefore criminally charged. The wood wherever found was seized by Mr. Dunlop's orders. He then, in paragraphs 22 and 23, states that except in these forests and one forest near Málvan, there was scarcely a teak tree of any size in the collectorship.

I quote the remaining portion of his letter to show what the state of agriculture was in the Konkan in 1823, in connection with the evidence about *pánkhardás*, and to show the reasons for his proclamation and ascertain its true meaning :—

"23. This probably may be owing in a great measure to the mistaken policy of the Native Government, in appropriating to themselves, without exception, all trees of this description that were worth taking; but I have also learned a variety of other circumstances that seem to me likely to produce nearly the same effect.

"24. In the first place all Konkani agriculturists entertain an opinion that without burning grass, boughs of trees and in short, all vegetable substances they can get, on their fields, no tolerable crop is ever produced. I shall not pretend to say whether substitutes for this mode of manuring might not be found, but the practice itself is universal.

"25. Portions of hills producing jungle, are, therefore, assigned to each field or division of fields, for the purpose of supplying this manure (called *ráb*), and particular plants are known to the husbandmen to be much superior in their effects to others. These it is not my present purpose to enumerate, but teak is not only the worst of the whole for this purpose, but wherever it becomes once established, destroys all others.

"26. The teak tree sheds its leaves at an earlier season than others, and the leaves soon become so wasted by the weather as to retain but little substance, and neither the leaves nor the wood are found to be of almost any use for burning on the fields from some peculiar property of the tree; also grass and other plants do not grow under it, so that altogether it is extremely unpopular with the cultivators, and would never be suffered to grow, except for the qualities of its timber.

"27. For these reasons I fear it is vain to hope that we should ever be able (even if it were desirable, which is doubtful) to offer sufficient encouragement to induce the natives to grow teak except where there is more hilly jungle than they require for the use of their fields, and in such situations there seems little doubt but the measure proposed in Sir T. Munro's Minute of declaring all teak to be the property of any individual who might grow it, would in process of time, lead to the wood being preserved, which is all that is necessary, for teak springs up spontaneously almost all over the Konkan.

"28. The present forests are quite recognized as Government property, and not liable to the principal objection urged against the Government claims in Malabár 'of being undefined'; the question here is not whether a doubtful claim ought to be enforced, but whether a valuable property shall be relinquished. I therefore think that the established forests should be retained by Government, and with the hope of encouraging the growth of teak, that a proclamation should be issued surrendering all the claims asserted by former Governments to teak or other valuable woods, and declaring that wherever these may be found beyond the limits of the three forests of Band, and Tudil and Vinhere in the Suvarndurg *táluka* and of Mahán near Málvan, they shall henceforth be the full and exclusive property of the persons on whose grounds they may grow, who shall be free to cut or dispose of such trees in any way they choose."

16. The next document is No. 30 produced from the Government records, being the original of a proclamation issued on behalf of the Honourable Company, by Mr. Dunlop, and bearing date the 1st March 1824. I have made the following exact translation from the Maráthi language :—

"Written proclamation is hereby made for the information of all, that it has hitherto been the practice for the *Sarkár* to take all teak, *sisu* and other timber trees of a good kind, on whosever land growing, on which account people were discouraged from preserving and rearing these timber trees. The *Sarkár* having heard this, and bearing in mind that all persons will be much benefited by the rearing of teak, *sisu* and other trees in the country, hereby proclaim for the information of all people, that, from this day forth, exclusive of the Government conserved (*Sarkár rákhichi ráne*) forests in the Band and Tudil Vinhere in the Suvarndurg *táluka* (and) Mahán, *Subha táluka*, Málvan, whoever may have teak and other trees growing on their land outside these limits will be exempted from the claim of Government. Those who are owners of trees or who will hereafter raise them will be allowed to dispose of them as they please. No obstruction will be caused on the part of Government."

19. The counsel for defendants have not given any information as to the revenue system under the Peshva and the earlier years of British rule. Mr. Hart while, as I understand, not denying the existence of some lands at Tivre in private ownership, does deny that the whole village belongs to private owners, and avers that the forest lands in which those in

suit are included were from Angria's time till Mr. Dunlop's, known as the property of Government, and that the British Government has never resigned or waived its rights, but actively enforced them. Every point in the suit is contested, and as regards almost every document, the Court has been asked to draw contrary inferences, for which reason I have deemed it just to make a very full note of the arguments.

As regards Mr. Dunlop's proclamation, it is urged for plaintiff that it only deals with trees and not with title to the soil, and this argument was used after nearly every one of plaintiff's witnesses had given evidence of the sole right of Government to every teak tree, including those of the smallest size. Now it is clear that the proclamation relates not only to Government forests but to the much larger country outside them in the collectorate. The object was to encourage the growth of teak and other superior timber trees by rayats, on land in their own occupation. The proclamation does not in any way deal with the title to the rayats' land, or allude to the question whether the owner was the rayat or the *Sarkár*; and whatever may have been the language used in the copy translated at page 168 of 6 Bombay Reports, the word "private" is not applied to any lands in the proclamation filed in this suit. There was no need to describe the rayat's land except by the word "their," and as Mr. Dunlop had no need to solve questions about title or tenure, it is hardly to be expected that he would be very technically explicit even in his exception of the Government forests from the rest of the district. But I think that the Maráthi words used in making the exception are in themselves explicit enough. The Band Tivre forest is called a "Government conserved forest" in Maráthi *Sarkár rákhiche ráne*. Now in ordinary parlance, as well as in Molesworth's definition, the word *rán* may mean either a forest or a waste piece of land. "It bears the general sense of region or tract, and is made specific by a designating noun prefixed as in *Dongar rán*, hilly country, *Kale rán*, region of black earth." Mr. Ránade's contention is not borne out by the language of the document. Any doubt that remains must cease, when it is borne in mind that a division between the soil and the roots is impossible, that every single teak sprout is preserved as belonging to Government, and that conservation of young sprouts would be practically impossible, if cultivators had a right to dig the soil at their own pleasure. Mr. Dunlop's letter is clear enough. By the word forest, he meant the soil as well as the trees. In paragraph 2 he says, "all the ground where teak sprung up was retained, and thenceforward considered as forest," and when in paragraph 26 he states that "the present forests" are "defined" and have "limits," it is manifest that he means land, not trees.

* * * * *

Copy of letter No. 5, dated 18th October 1823, from Mr. John A. Dunlop, Collector in the Southern Konkan, to the address of the Chief Secretary to Government, received with Government Memorandum No. 699, dated 2nd October 1886.

No. 5 of 1823.

PUBLIC DEPARTMENT.

To

JAMES FARISH, ESQUIRE;
Secretary to Government, Bombay.

SIR,

In reference to the last paragraph of my letter of the 8th May last promising a report on the subject of investigations into the depredations committed on the teak forests situated in the Suvarndurg *táluka*, I have now the honour to submit the information I have acquired for the instructions of Government on any farther proceedings that may be deemed requisite.

2. Tradition records that Kánoji Angria, about one hundred years ago, procured teak seed from Malabár and sowed it in the neighbourhood of Suvarndurg appropriating portions of the lands of three villages for that purpose. Since that time this forest has been called Band, and has been preserved with the utmost care, so that the trees had increased greatly in number, and as all the ground where teak sprung up was retained and, thenceforward considered as forest, it is said to have extended much beyond the original limits.

3. Establishments were maintained for the preservation of the trees up to the time of our acquiring the country, when Mr. Pelly entertained a *kárkun*, and three peons for that purpose, but from some mis-apprehension of the value a practice obtained of granting orders for cutting wood on this forest to different people; these were mostly confined to applications for religious purposes, such as building mosques, and pagodas, but from the want of proper checks to ascertain that these orders were not exceeded, the persons holding them and even others under the cloak of their names, soon began to cut wood to a great extent, and this forest so long and carefully preserved, has been completely destroyed, for though there is no want of young plants, many years must elapse before the trees can again attain any considerable size.

4. There is another teak forest in the Tudil and Vinhere districts of the Suvarndurg *taluka* (but lately transferred to Raigad for the convenience of management, being near Mahád). The soil here however is represented not to be so favourable for the growth of teak as in the Band forest, but this circumstance is said to stunt the growth, and cause the trees to grow with more branches and crooked, so that they would be more valuable for the purposes of ship-building.

5. This forest also belongs to the State and was preserved by the former Governments, but not so particularly as the other, though many trees had attained to a very large size, so as to be fit for masts to the coasting vessels; of these a number have been cut and removed, but some still remain.

6. It was unfortunate that after Mr. Pelly no Collector was long enough in the district to become personally acquainted with these circumstances, and the person who seems most blameable in the business, is the *sarkamavisdár* of the district, Gulám Hussein, who so far from making these depredations known to his superiors appears to have entered largely into the speculation himself. The enquiries respecting his concern in it are not quite completed, but according to the information acquired his dealings in this way appear to stand as follows:—

	Logs.	Rafters.
Quantity exported according to statement forwarded by the Collector of Sea Customs and delivered to different individuals	778	60
Deduct—Amount of orders held by Gulám Hussein	220	475

Leaving an excess already disposed of 558. Of the rafters for which he holds orders only 60 have been disposed of and 60 more remain in the hands of a native in the district, so that only 120 appear to have been cut, leaving 355 uncut of his orders, but their value is small compared to the value of timbers.

7. Some of the trees might have been divided in two pieces, and an allowance of one-fourth or 179 pieces seems ample on this account, which leaves 379 pieces still to be accounted for beyond his orders.

8. Gulam Hussein also holds orders for 100 branches and tops of trees cut when they are felled, and it will rest with him to show what portion (if any) of the wood exported was of this description.

9. In addition to the wood above-mentioned however 224 logs of timber of his still remain under attachment in the jungles, and there are applications from him in the office, stating that the whole of the wood cut by him under the orders granted by my predecessors still remains to be exported notwithstanding his exports having already exceeded that quantity as shown above.

10. Gulam Hussein is now under trial on other charges, but his misconduct respecting the teak forest is quite sufficient to render him utterly unworthy of the further confidence of Government.

11. On receiving the first information respecting these depredations I deputed a *karkun* and peons into the forests, but nothing was learned from their report and the *sarkamavisdár* being interested in concealing the business from me. I was in danger of having my endeavours defeated, when a Bráhmán named Báláji Pant Hulbe offered for a share of what might be recovered to undertake the inquiry.

12. I engaged to give him a third of whatever might be recovered through his means, on the principle of the share of smuggled goods allowed to informers, and he has already discovered 5,233 logs of wood, cut and concealed in the jungle, buried in the mud at the ports where they had been brought for export and otherwise secreted, as also 5,443 rafters and 394 planks, besides a quantity of small pieces.

13. All the cases are similar. Orders to cut wood have been greatly exceeded, others granted for the construction or repairs of mosques or pagodas have been appropriated by the holders, entirely or partially, to their own private use; but it was impossible to trace these, except from the information of neighbours, which must be left to the person who has undertaken the enquiry to bring forward and follow out.

14. I applied to the Customs Masters in the Konkam and at Bombay for accounts of the exports and imports of teak wood from this district. From these it appears that teak has been exported in some cases in quantities considerably exceeding the orders held by the exporters, and large quantities still remain in the jungles cut belonging to the same persons, all of which that could be discovered has been attached.

15. The accompanying statement showing the quantity of wood exported by Náran Ambáji, a pensioned Purvoo at Bánkot, is a specimen of the modes resorted to of entering wood at the Custom House in different names probably to defeat inquiry, but he has acknowledged all inserted in this statement to have been on his account; the quantity thus

exported by him is 1,183 logs, but as some few of the trees may have been divided into two pieces, say half the number, let the fourth part or 269 logs be deducted on this account, which is at least a liberal allowance. There will still remain against him trees 809. Náran Ambáji holds orders of his own and other people's for 490 trees, leaving an excess already exported of 319 trees.

16. Náran Ambáji also holds orders for 200 branches or pieces cut from the tops of trees when felled and 105 of the pieces exported (the third item from the bottom of the statement) appear to be of an inferior description, so that they may be deducted on this account but will still leave 214 pieces unauthorizedly exported.

17. In addition to this however Báláji Pant has detected and seized 1,510 logs in the jungle which have been felled and squared, ready for exportation by Náran Ambáji, and I have to request the orders of Government on this man's case as a guide for me respecting others.

18. In the first place I request Government to determine whether the taking of Government property under these circumstances is to be regarded and prosecuted as a criminal offence or to be considered as a civil claim and the value of the property merely recovered.

19. In the latter case the wood which has been seized may be retained now as Government property and the expense of felling and bringing it from the jungles would be a very moderate punishment indeed for the offence of cutting it without authority, and the value of what has been exported beyond the quantity for which orders had been granted might be recovered from the parties by civil suits.

20. I also request the orders of Government for the disposal of the wood seized, whether it is to be delivered to the Commissary General, or such part of it sold by auction as may not be wanted.

21. The subject on which my opinion is required in the second paragraph is one of considerable difficulty, and I must state some circumstances connected with the question, in order to enable Government to judge of the grounds of my opinion.

22. In the first place we see that the two forests in the Suvarndurg *táluka* and one near Málvan which were carefully preserved by Government contained almost as much teak as the space would admit of, and there is scarcely such a thing as a teak tree of any size to be found in any other part of the collectorship.

23. This probably may be owing in a great measure to the mistaken policy of the native Governments in appropriating to themselves without exception all trees of this description that were worth taking, but I have also learnt a variety of other circumstances that seem to me likely to produce nearly the same effect.

24. In the first place all Konkani agriculturists entertain an opinion that without burning grass, boughs of trees, and in short all vegetable substances they can get on their fields, no tolerable crop is ever produced. I shall not pretend to say whether substitutes for this mode of manuring might not be found, but the practice itself is universal.

25. Portions of hill producing jungle are, therefore, assigned to each field, or division of fields, for the purpose of supplying this manure (called *ráb*) and particular plants are known to the husbandmen to be much superior in their effects to others; these it is not my present purpose to enumerate, but teak is not only the worst of the whole for this purpose, but wherever it becomes once established destroys all others.

26. The teak tree sheds its leaves at an earlier season than others and the leaves soon become so wasted by the weather as to retain but little substance and neither the leaves nor the wood are found to be of almost any use for burning on the fields from some peculiar property of the tree; also grass and other plants do not grow under it, so that altogether it is extremely unpopular with the cultivators and would never be suffered to grow, except for the quantities of its timber.

27. For these reasons I fear it is vain to hope that we should ever be able (even if it were desirable, which is doubtful) to offer sufficient encouragement to induce the natives to grow teak except where there is more hilly jungle than they require for the use of their fields, and in such situations, there seems little doubt but the measure proposed in Sir T. Munro's minute of declaring all teak to be the property of any individual who might grow it would in process of time lead to the wood being preserved, which is all that is necessary, for teak springs up spontaneously almost all over the Konkan.

28. The present forests are quite recognized as Government property and not liable to the principal objection urged against the Government claims in Malabár "of being undefined." The question here is not whether a doubtful claim ought to be enforced, but whether a valuable property shall be relinquished. I therefore think that the established forests should be retained by Government, and with the hope of encouraging the growth of teak that a proclamation should be issued surrendering all the claims asserted by former Governments to teak or other valuable woods and declaring that wherever these may be found beyond the

limits of the three forests of Band and Tudil and Vinhere in the Savarndurg *táluka*, and of Mahán near Málvan, they shall henceforth be the full and exclusive property of the persons on whose grounds they may grow, who shall be free to cut, or dispose of such trees in any way they choose.

Konkan Collector's Office, 18th October 1823.

I have, &c.,
(Signed) JOHN A. DUNLOP,
Collector.

(True Copy)
D. K. NARIMAN,
For Superintendent, Revenue Department, Secretariat.

(Referred to in Mr. Candy's Memorandum (*vide supra* page 405.)

No. 1630 of 1823.

TERRITORIAL DEPARTMENT, REVENUE.

To
JOHN A. DUNLOP, Esquire,
Collector in the Southern Konkan.

SIR,

I am directed to acknowledge the receipt of your letter, dated the 18th ultimo, reporting on the state of the forests in the Southern Konkan, and the depredations which have been committed on them.

2. The Honourable the Governor in Council authorizes you to prosecute for recovering the value of the teak timber clandestinely exported as for a civil claim in the instance of the trees cut down beyond the quantity specified in the permits granted to individuals.

3. The suggestion in the 20th paragraph is under consideration.

4. The Honourable the Governor in Council approving of the suggestions contained in the 28th paragraph authorizes you to issue a proclamation surrendering all claims to teak or other valuable wood beyond the limits of the three forests of Band, Tudil and Vinhere in the Savarndurg *táluka* and of Mahán near Málvan.

5. You will be pleased to suggest the manner in which it would be best to turn to account those trees in the Government forests which may be of proper size to fell from time to time.

Bombay Castle, 1st November 1823.

I have, &c.,
(Signed) J. FARISH,
Secretary to Government.

(True Copy)
R. E. CANDY,
Collector.

Exhibit No. 33.

(Referred to at page 302.)

Statement made by Fuel and Timber Contractors (Messrs. Lakhmidás Nathushet and Heerji Dámji.)

Fuel fellings.—For the purpose of felling trees we employ as far as possible Maráthás of this district who understand felling. As we are never able to obtain a sufficient number of hands here we are compelled to import Maráthás, Kunbis and Mhárs from distant places such as Ratnágiri and the Pant Sachiv State. In this district, the Mahád *táluka* supplies most labourers for felling work.

We also employ Thákurs Kátkaris (men, women and children) and other poor people of the district for the purpose of stacking wood and carrying small bundles to bunders. For the carriage of large fuel pieces we are obliged to import pack bullocks from the Násik, Khándesh and Ahmednagar districts, also from the Hyderabad State. Thákurs and Kátkaris do not understand felling as a general rule.

Teak fellings.—Similar remarks apply so far as the *felling* of teak is concerned. Owing to a scarcity of carpenters here we import them from the Ratnágiri district and the Sudhágad *táluka* in the Pant Sachiv State.

For carrying teak billets to bunders, stacking wood, &c., we employ, Thákurs, Kátkaris and others in this district (men, women and children).

(Signed) R. RYAN,
Divisional Forest Officer, Kolába.

Forwarded with compliments to the Collector of Kolába with reference to certain questions put by the Forest Commission. Only small departmental fellings are made now and local labourers are, of course, employed on these.

Alibág, 20th August 1886.

R. RYAN,
Divisional Forest Officer.

Exhibit No. 34.

(Referred to at page 303.)

No. 875 of 1886.

To

THE DIVISIONAL FOREST OFFICER,
Kolába.

Camp Paveel, 5th March 1886.

SIR,

I have the honor in continuation of Maráthi correspondence minuted on by Mr. Sinclair, and forwarded with my No. 857 of 4th March 1886, to request that, as Mr. Sinclair has, as I observe, from his notes, ruled that people have prescriptive rights to lop all trees, except teak in many forest numbers of Mahád for *ráb*, you will instruct your subordinates to respect this decision, instead of acting strictly on the terms of Government Resolution No. 1203 of 4th February 1883.

2. I shall make a reference to Government on the subject, but the forests of Mahád are so unimportant that it is not worth while to insist too strongly on limiting what has certainly been hitherto enjoyed as a customary right at the risk of causing friction between the forest subordinates and the people, especially when I think there is little doubt that Mr. Sinclair's view is the correct one.

3. You will see from the detailed notes sent with his report to what numbers his decision refers.

I have, &c.,
(Signed) ALFRED KEYSER,
Collector.

(True Copy)
ALFRED KEYSER,
Collector.

Exhibit No. 35.

(Referred to at page 304.)

List of Bágdyat assessed Waste Lands, Táluka Alábág.

No.	Village.	LAND		Area.	Assessment.	From what time is waste.
		Survey Number.	Pot Number.			
				A. g. a.	Rs. a. p.	
1	Revdanda	145	2	0 3 0	0 9 0	Since 1861-62. Since 1869-70.
		193	1	1 1 8	6 0 6	
		...	...	1 4 8	6 9 6	
2	Alábág	39	...	1 25 12	17 4 0	Sold up in 1864-65 in default. Since 1860-61. Do.
		102	...	0 17 8	0 15 6	
		103	...	0 11 0	0 10 0	
		153	...	0 3 8	0 10 0	
		...	...	2 17 12	19 7 6	
3	Thal ...	230	...	0 10 8	0 10 6	From 1860-61. The land is on the sea beach.
4	Chaul...	92	6	0 9 8	1 15 6	Since 1877-78 it was taken for road.
5	Agarkot	23	...	0 12 9	0 13 0	From the time of survey, i.e., 1864-65.
6	Khár Milkat	1	...	1 0 12	2 8 6	Since the memory of man. From 1881-82.
		2	...	2 5 0	4 15 6	
		3	...	2 11 0	4 15 6	
		4	...	1 11 4	10 13 0	
		...	...	6 28 0	23 4 6	
7	Nágáv	28	...	2 1 8	5 1 6	Since the survey, 1860-61.
		29	...	2 0 12	5 0 6	
		30	...	2 6 0	5 6 0	
		31	...	2 25 4	6 9 0	
		32	...	1 38 0	4 14 0	
		33	...	1 36 8	4 12 6	
		...	...	12 28 0	31 11 6	
8	Avás ...	259	...	0 81 8	1 15 6	Since the survey.
		260	...	1 26 12	4 2 6	
		...	...	2 18 4	6 2 0	
9	Akshi	153	...	1 0 8	2 1 0	From 1861-62. From 1867-68.
		157	...	1 32 8	4 8 6	
		163	...	0 8 8	0 11 6	
		...	...	3 1 8	7 5 0	
		...	...	29 12 8	97 15 0	

ALFRED KEYSER,
Collector.

Exhibit No. 36.

(Referred to at page 305.)

Forest Settlement Appeal.

	<i>Acres.</i>	<i>Gunthās.</i>
No. 96 ...	81	14

Forest Reserve free grazing, village Kolhan.
Present Gopál Náráyan, appellant.

After hearing the appellant, I confirm Mr. Winchester's decision, but he should have distinctly stated what rights remained to the *khot* under the agreement.

2. These rights are:—

1st.—That the *khot* is entitled to one-third share of the fellings of full grown teak trees.

2nd.—That they shall annually lop the trees at the proper season and hand over to Government all pieces of timber over four cubits long, and of the size of a man's calf in thickness. That the sale proceeds of these loppings shall be divided in the same proportion, one-third to the *khot*, two-thirds to Government, and the leaves be divided between them and the rayat.

3. The shares to depend on the proper conservation of the forest by the *khot*.

4. The 2nd condition I look on as obsolete, it being now agreed that lopping teak-trees is harmful. There is therefore no proper season for it.

5. The only right, therefore, I consider the *khot* possesses is to one-third share in all fellings by the Forest Department.

26th September 1884.

(Signed) ALFRED KEYSER,
Collector.

(True Copy)

ALFRED KEYSER,
Collector.

Exhibit No. 37.

(Referred to at page 305.)

Extract of reply No. 15 given to one Pándurang Dámodar Risbud of Tale from the B. Mángáv Outward Bārniśhī Book for the year 1884-85 in the Office of the Collector of Kolába.

With reference to your petition of appeal dated 12th June 1884, received under District Forest Settlement Officer's endorsement dated 30th August 1884, in which you complained against the decision passed by the Forest Settlement Officer to the effect that no one had any rights whatever except the right of way in Survey No. 35 of the village of Nánayli, you are informed as follows:—

From the reasons given by you in the petition in support of your right to the land with all the produce thereon in the said survey number, your petition cannot be granted. It has been alleged in paragraph 5 of the petition that the land of the said number was through mistake set apart for grazing and forest preservation at the time of the Survey. But it was your duty to take steps to have the error rectified within the period prescribed in Act L. of 1865. There is no necessity to consider the matter now. The petition is therefore rejected.

6th September 1884.

(True Copy)

RAVJI DINKAR,
Chitnis.