

“The present forest laws of the country seem to me to be sufficient for the primary selection of the areas required, but they do not adequately protect the forest chosen either from alienation, the growth of adverse rights, or against other interference by men; and I would consider it advisable if the laws were improved in this respect. It is evident to me that the protective clauses were, even in the latest Bills, never seriously considered; and the fact that the penalty for fraudulently altering the marks on timber (which is an offence tantamount to theft of an aggravated kind) has been met by a mere trivial fine seems sufficient proof of this assertion. The alteration of a boundary line of a State forest, the firing of a forest, &c., become offences only when the Governor in Council has exercised his powers for making regulations to that effect. On the other hand, mere executive and management rules form integral portions of the existing law, or of the Bills under consideration.

“In my opinion, it would be advisable to revise the Bills thoroughly, and, if I might venture to do so, I would suggest the Upper Burmah Forest Regulations as a pattern for the general lines of a Forest Bill. The Upper Burmah Act is the most practical of Indian forest-laws, and is, so to say, the outcome of the experience gained during nearly thirty years of forest legislation in the different provinces of the Empire. It will be understood that I recommend the adoption of the above Act as a pattern only in a very wide sense, as the circumstances, especially those connected with the extraction and transit of forest produce vary enormously. The whole of Burmah is intersected by water-ways, and the most valuable species of timbers and all bamboos are sufficiently light to float, and thus the creeks and rivers form innumerable export lines for timber in the log, and allow the establishment of large central saw-mills near the seat of consumption, which frequently draw their material for conversion from forests many hundreds of miles distant.

“In Victoria no water-ways of any importance exist.* The most valuable timbers are of high specific gravity, and there are no bamboos by which the heavy logs could be buoyed up. The consequence is that conversion must take place in or near the centres of production. The sawmill owner can, under such conditions, establish a mill of any importance only where permanency of supply can be guaranteed—a monopoly, so to say, of the forest produce of a certain area. Circumstances render this unavoidable, and the fact must therefore be accepted; but it would seem to me to be a matter more conveniently settled by an executive contract than by rules prescribed on the authority of His Excellency the Governor, rules that are not likely to fit every individual case.

“In my opinion it will be quite sufficient if the enactment gives power to the Government: First, to declare any area belonging to the State a State forest, alienable only under the authority of Parliament; second, to demarcate such State forests, and to prevent within them the springing up of private rights adverse to the State; third, to provide for the proper protection of such State forests from fire or unbounded interference by men; fourth, to provide for their systematic management; fifth, to provide for the protection of forest produce in the forests and in transit; sixth, to provide for the adequate punishment of persons breaking the forest laws or regulations framed under its provisions.

“I hardly think it will be necessary to provide for the protection and management of Government forest property which is not declared State forest, provided the work of constituting such inalienable areas is started at once in the right direction, and proceeded with seriously, energetically, and systematically. If this, however, is considered impossible under existing circumstances, an intermediary protection must be provided. It would be a pity, because this choice of measures leads but too easily to delay in the real work of permanent reservation, and tends to create two separate classes of forests, which is most undesirable. The time has hardly as yet arrived when it becomes necessary to provide for the preservation of private or communal forests.

“I have pointed out on a previous page that the existing forest law, if seriously and honestly used, would suffice for the creation of State forests, and progress in this respect should in no wise be delayed pending the enactment of a more comprehensive forest law, because a simple clause in the new Act can give legal effect to selections made under former enactments. When permanent State forests have been created, and have been placed in trust of the Government, it will, in my opinion, be advisable that they should be worked rationally and systematically. There can be no two opinions that this is quite impossible under the present license system, which does not allow of such control as it is necessary to exercise in order to keep the annual or periodical utilisation within the possibility of the forest—i.e., within its productive power. To insure that this is being done it will be necessary to frame a preconsidered working-plan for each forest unit. Such plan must be based on the conditions of each such unit, and be framed with regard to the main purpose which the forest is intended to serve, for, to give an example, it would be useless to treat a forest as a high timber forest when mine-props are chiefly in demand. In framing a working-plan, both the conditions and the purpose should be shortly recorded in one chapter, and the proposals for the future working should be laid down as concisely as possible in the second.

“When the facts are taken into consideration that forest trees take generations to grow to a workable age, and that the forests themselves form a living organism which is constantly producing, growing, and ripening according to fixed laws of nature, and that consequently a constant harvest can be gathered from them, it needs no argument that a plan is necessary which respects such laws of nature, and that any haphazard and irrational utilization will usually result in the ruin of the forests.

“In India it has been found advisable, chiefly in order to facilitate control, to stereotype the arrangements of working-plans. A *resumé* of the requirements which, in the whole or in part, will be found suitable for any purpose may be seen in the last edition of the Indian Forest Department Code.

“A working-plan once framed should be carefully considered by competent authority and formally sanctioned. When this has been done, no major deviations should be permitted without

* The Murray River is most valuable for water-transit, but this river is claimed by New South Wales.—G.S.P.