

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	755-	Press
74-75		~~Mis.~~
Dated	8-6-	19-1858

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 8th June 1858.

No. 74. Read the following Extract from the Minutes of Consultation in the Revenue Department, dated 26th May 1858, No. 692.

Read the following Extract from the Proceedings of the Board of Revenue, dated 8th May 1858, No. 1658.

In Con. 8th May 1858. Read letter from the Collector of Guntoor, dated 20th March 1858, reporting the amount of fees claimed by the Cauzee of Guntoor from the cotton cleaners.

From H. WOOD, Esq., Collector of Guntoor; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort St. George, dated Mungalagerry, 20th March 1858, No. 24.
SIR,

1. I have the honor to acknowledge the receipt of Extract from the Proceedings of the Board of Revenue, No. 3145, of the 23rd September last, relative to the emoluments of the late officiating Cauzee of Guntoor.

2. With a view to ascertain the amount of fees outstanding to his debit from the cotton cleaners at the date of the disallowing order quoted by Government, he was called to furnish a statement, a copy of which is forwarded for the information of the Board.

3. The number of cotton cleaning Camans, it will be seen, is estimated at 1100, and the amount due to him at the rate of 1-4 per each (Caman) per annum at 1375 or 13,750 for 10 years, from August 1842, to the same month in 1852, inclusive. Of this, after deducting 1754-12 which he acknowledges to have received during the above period, a sum of 11,995-4, is claimed as the balance still due to him.

4. This claim appears to me preposterous, and I do not suppose that the Government could ever have contemplated the payment of so large an amount; nor is it at all probable that the Cauzee so long as he had the power to collect, would ever have allowed so large a balance to remain outstanding: and as at this distant period, it would be very difficult to ascertain the correct amount paid by the cotton cleaners (many of whom, in all probability, are no longer in existence), I am of opinion that instead of instituting any further enquiries, it would be far better that a small sum in the way of compensation should be paid to the Cauzee once for all, if instead of litigating the matter, he or the family would renounce all claim upon the cotton cleaners, and if the Government approve of this proposition, the same will be communicated to the party, leaving it optional with him either to receive the amount of compensation which may be fixed upon by Government, or to prosecute the parties in the Civil Courts if he is disposed so to do.

Translated copy of statement showing the amount of fees due to the Cauzee of Guntoor by cotton cleaners from 4th August 1842 to 17th August 1852 in the District of Guntoor.

Names of Talooks.	No. of Camans in each Talook.	Fees at Rupees 1-4 per Caman for a year.	Amount due for 10 years.	Amount received.		Balance due.	Remarks.
				Rs.	A.	Rs. A.	
Guntoor				355	12		I have no detailed accounts at present to fill up the other columns, the dufters in which they were secured not having been found on my return from Madras. My house is a thatched building and consequently the dufters became wet by rain and as they were of no use, they were thrown away, the aggregate number of Camans has been entered upon estimate for the whole District, the correctness of which requires to be ascertained with reference to the accounts in the Huzzoor. I have specified the amount recovered by me, if particulars for this, are required, I am prepared to furnish the same.
Condaveed				155	10		
Tenally				89	14		
Ponnoor				88	8		
Baupetta				13	12		
Innaconda				25	0		
Prutteepaud				144	3		
Mungalagerry				228	14		
Nursarowpet				253	14		
Coorapaud				270	11		
Maurtoor				128	10		
Repully							
Total	1,100	1,375	13,750	1754	12	11,995 4	

(Signed) MAHOMED HUSSAIN, Acting Cauzee.
(Translated Copy.)
(Signed) H. WOODS, Collector.

Fort St. George, Judicial Consultation, 8th June 1858.

In Con. 23rd September 1858

Resolved that the foregoing communication be forwarded to Government, with reference to Extract Minutes Consultation, No. 940, R. D. dated 15th September 1857.

2. The Board observe that the sum claimed to have been owing to the Cauzee of Guntoor, for the 10 years * preceding the order of Government, disallowing the collection of the fees in question, is Rupees 13,750, and of this amount the Cauzee acknowledges in the statement furnished by him to have received Rupees 1,754-12; so that a balance of Rupees 11,995-4 is still claimed by him. The number of Bows, viz., 1100, upon which the statement is framed is admitted to be assumed on estimate, as the Cauzee's dufters have been damaged and rendered useless by rain during his absence at Madras.

3. The Collector is of opinion that the amount claimed is exorbitant, and suggests, that a small sum should be paid as compensation to the Cauzee in full of all demands on this account; or that this officer should be allowed, if so disposed, to prosecute the parties indebted to him in the Civil Courts.

4. The Board are of opinion that 1,000 Rupees would be a sufficient sum to offer to the Cauzee in compensation for the loss of these arrears, the collection of which seems always to have been difficult and uncertain. The recovery of any portion of the arrears by litigation, was, they observe, matter of uncertainty and subject to the usual expenses attending a prosecution.

(A true Extract.)

(Signed) G. S. FORBES,
Secretary.

Ordered to be communicated to the Judicial Department, with reference to Extract Minutes of Consultation in that Department, dated 5th September 1857, No. 1850.

(A true Extract.)

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

No. 75.

ORDER THEREON, No. 755; dated 8th June 1858.

1. In their Proceedings which accompany the above Extract, the Board of Revenue report the sum claimed by the Cauzee of Guntoor, as fees due to him by the cotton cleaners of the vicinity of that place for the 10 years preceding the order of Government disallowing the collection of these fees by him; and they state that, in their opinion, Rs. 1,000 would be a sufficient sum to offer him in compensation for the loss of these arrears.

2. The circumstances of this case are detailed in Extract Minutes Consultation 5th September last, No. 1150.

3. Government concur with the Collector of Guntoor that the sum claimed by the Cauzee Rupees 11,995-4, is exorbitant. They however see no objection to his being offered Rupees 1,000 as suggested by the Board, provided he renounce by a formal document all claim on the cotton cleaners to the arrears of fees due to him. The Collector will be instructed to make this offer to Mahomed Hossain, and if he acquiesce, to pay over to him the sum of Rupees (1,000) one thousand, receiving from him the document above referred to. Mr. Wood will report for the information of Government the result of this proposal.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

N^o. 755

Extract from the Minutes of Consultation

Dated 8th June, 1858.

Read the following Let. Min. Coun.

Revenue Department.

(Here enter 26th May 1858 No. 692)

1. In their Proceedings which accompany the above Extract, the Board of Revenue report the sum claimed by the Cauzee of Guntoor, as fees due to him by the Cotton cleaners of the vicinity of that place for the 10 years preceding the order of Govt. disallowing the collection of these fees by him, and they state that, in their opinion, Rs. 1,000 would be a sufficient sum to offer him in compensation for the loss of these arrears.

2. The circumstances of the case are detailed in Exh. 111150. Cons. 5th Sept. last 181150.

3. Government concurs with the Collector of Benares that the sum claimed by the Cautel Rs. 11995-4-0, is exorbitant. They however see no objection to his being offered Rupees 1000 as suggested by the Board, provided he ~~renounce~~ renounce by a formal document all claim on the cotton ~~business~~ cleaners & the arrears of fees due to him. The Collector will be instructed to make this offer to Mahomed Hossain, and if he agrees to pay over to him the sum of Rupees 1000, one thousand receiving from him the document above referred to. Mr Wood will report for the information of Govt. the result of this proposal.

JP

Copy to Rev. Secy
7/10/11
11/11/11

Correct J.T.L. 2/6/53

Judicial Letter to Cons.
7th September 1853 of 1853
Para 37

74/45

He C. over J. Hall
Judicial 1850. Department.

No. 755

Extract Mins. Cons.

Dated 8th June 1850

Sept 1850.