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Revenue Department

Minutes of Consultations

15th September 1857

Back Numbers 48-49

Order No 940 dated 15th Sept 1857

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பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர் – ஜா. அய்யநாயகம்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 11/2006

செப்பனிட்டு முடித்த நாள் 3/2007

சரிபார்க்கும் முதல் மு. நி. பா. எ. கையொப்பம்

சரிபார்க்கும் 2ம். நி. பா. எ. கையொப்பம்.

இறுதியாக உறுதியாளர் கையொப்பம்

5/940

Fort Saint George, Revenue Consultation of 15*th September* 1857.

No. 48. Read the following Extract from the Minutes of Consultation in the Judicial Department under date the 5th September 1857, No. 1150.

Read Petition from Mahomed Hoossain, late Officiating Town Cauzee of Guntoor.

(Here enter 4th August 1857.)

Petitioner was appointed in 1842 to officiate as *Cauzee* of Guntoor during the minority of the sons of the late *Cauzee*. A *Sunnud* was granted to him by the Judge of the Auxiliary Court, *Mr. H. Wood*, in which, *inter alia*, he was authorized to collect as emolument of his office "according to long usage" a certain tax from the *cotton cleaner* caste of the vicinity.

2. On his proceeding to levy this tax, the exaction of which, though proved to be of long standing, had been pretermitted by his predecessor, the cotton cleaners resisted the demand. He accordingly sued them in the Courts and obtained five or six decrees against them, the Courts declaring the authorized tax to be five *dubs* (Rs. 1-4) per *camám* or bow.

3. In 1852, the cotton cleaners wrote a petition to Government, complaining that they paid the *Mohturpha*, and could not be expected to pay this tax to their *Cauzee* also. This petition having been referred to the Commissioner, Northern Circars, was reported on by the *Honorable W. Elliot*, 3rd July 1852, who, after stating the facts of the case as above set forth, observed, that it is clear that the right claimed by the *Cauzee* was coeval with British supremacy in the *Circars*, and that it was probably *given on the Mohturpha*, though this had never been admitted in practice, the cotton cleaners being compelled to pay so much a bow to the Government as well as to the *Cauzee*.

4. On this report a Minute was penned by the Right Honorable *Sir H. Pottinger*, and another by the Honorable *Mr. Thomas*, and an Extract Minutes of Consultation was prepared from these Minutes. The right claimed by the *Cauzee* was disallowed, the cotton cleaners were instructed to resist the demand, and the Collector was ordered to plead their defence before the Courts, should the *Cauzee* deem it proper to sue them before such tribunals. It was however to be understood "*that the disallowance is not to have retrospective effect*" and a suggestion occurs in the Honorable *Mr. Thomas*' Minute, which however finds no place in the draft, that some *compensation* should be given to the *Cauzee*. "As it would seem that these payments have been made for sometime, though "not regularly, I should see no objection to the *Cauzee's* being permitted to receive a small "sum from Government, once for all, if, instead of litigating the matter, he or the family re-"nounced all claims upon the cotton cleaners, by a formal document, and so to preclude all "future disputes."

Revenue Department No. 808 *dated* 17*th August* 1852.

5. The Cauzee never has litigated any claims for any period subsequent to the disallowing order of Government above quoted, but he rightly contends that that order does not affect the sums due to him from the cotton cleaners at the date of its publication. The cotton cleaners however take a different view of the case. The *Cauzee* attempted to sue them in the Moonsiff's Court, but that Court held that his claim was *stopped* by the order of Government, and on appeal the Sessions Judge concurred.

6. These decisions are doubtless erroneous, and might probably have been reversed had the *Cauzee* appealed to the Sudder, the time for doing which has now elapsed. He is weary however of the tedious processes of the law, and humbly prays that the Government, who have been pleased to prohibit the tax, though of long standing, will make him some compensation in consideration of what was owing to him at the date of their order.

7. The Government are of opinion that the *Cauzee* is clearly entitled to receive from them the compensation he seeks. The Collector of *Guntoor* will be requested through the Revenue Department to make the necessary enquiries as to the sum claimed, viz., the amount of fees out-

standing to the Cauzee's debit from the cotton cleaners at the date of the disallowing order above referred to, reporting the result at an early date.

(A true Extract.)

(Signed) E. MALTBY,
Acting Chief Secretary.

No. 49. ORDER THEREON, No. 940; dated 15th September 1857.

Ordered to be communicated to the Board of Revenue, who will be good enough to request the Collector of Guntoor to furnish, at an early date, the information called for in the concluding para. of the above Minutes of Consultation.

(Signed) H. FORBES,
Acting Secretary to Government.

JUDICIAL DEPARTMENT.

No. 1150.

Extract from the Minutes of Consultation under date the 5th September 1857.

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(Here enter 4th August 1857.)

Petitioner was appointed in 1842 to officiate as *Cauzee* of Guntoor during the minority of the sons of the late *Cauzee*. A *Sunnud* was granted to him by the Judge of the Auxiliary Court, *Mr. H. Wood*, in which, *inter alia*, he was authorized to collect as emolument of his office "according to long usage" a certain tax from the *cotton cleaner* caste of the vicinity.

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3. In 1852, the cotton cleaners wrote a petition to Government, complaining that they paid the *Mohturpha*, and could not be expected to pay this tax to their *Cauzee* also. This petition having been referred to the Commissioner, Northern Circars, was reported on by the *Honorable W. Elliot*, 3rd July 1852, who, after stating the facts of the case as above set forth, observed, that it is clear that the right claimed by the *Cauzee* was coeval with British supremacy in the *Circars*, and that it was probably *given on the Mohturpha*, though this had never been admitted in practice, the cotton cleaners being compelled to pay so much a bow to the Government as well as to the *Cauzee*.

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Revenue Department No. 898, dated 17th August 1852.

5. The Cauzee never has litigated any claims for any period subsequent to the disallowing order of Government above quoted, but he rightly contends that that order does not affect the sums due to him from the cotton cleaners at the date of its publication. The cotton cleaners however take a different view of the case. The *Cauzee* attempted to sue them in the Moonsiff's Court, but that Court held that his claim was *stopped* by the order of Government, and on appeal the Sessions Judge concurred.

6. These decisions are doubtless erroneous, and might probably have been reversed had the *Cauzee* appealed to the Sudder, the time for doing which has now elapsed. He is weary however of the tedious processes of the law, and humbly prays that the Government, who have been pleased to prohibit the tax, though of long standing, will make him some compensation in consideration of what was owing to him at the date of their order.

7. The Government are of opinion that the *Cauzee* is clearly entitled to receive from them the compensation he seeks. The Collector of *Guntoor* will be requested through the Revenue Department to make the necessary enquiries as to the sum claimed, viz., the amount of fees out-

standing to the Cauzee's debit from the cotton cleaners at the date of the disallowing order above referred to, reporting the result at an early date.

(True Extract.)

Acting Chief Secretary.

To the Revenue Department.

Exd. F. Cartledge.

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