

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1803

Press
Mis.

331-332

Dated 25-8-1862.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
25th August 1862.*

No. 331. Read the following Proceedings of the Board of Revenue, dated 5th August 1862, No. 5,085 :—

Read the following letter from the Honorable D. ARBUTHNOTT, Collector of Salem, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Madras, dated 15th July 1862, No. 159.

SIR,

With reference to the order of the Board of Revenue, dated the 5th instant, No.—, containing the Proceedings of the Madras Government, dated the 4th idem, No. 1,459, and requesting me to obtain and submit the explanation called for in paragraph 2 of the Government Proceedings, I have the honor to forward the enclosed copy of a letter from Mr. Boalth my Special Deputy Collector, dated the 14th instant, No. 29, containing the explanation called for. I have made the remarks which I consider necessary in the margin of Mr. Boalth's letter.

ENCLOSURE No. 1.

From W. BOALTH, Esq., Deputy Collector of Salem, to the Honorable D. ARBUTHNOTT, Collector of Salem, dated 14th July 1862, No. 29.

I. With reference to your Memorandum without date, No. 371, requesting me to submit without delay the explanation called for in paragraph 2 of the Proceedings of Government, dated 4th instant, No. 1,459, I have the honor to submit the following explanation, on the different acts of irregularity as noticed by the Board in paragraph 6 of their Proceedings.

FIRST POINT.—That I “in the first instance, and apparently without reason, raised the assessment from Rupees 20-9-0 the sum proposed by the Assessor (or Tahsildar) to Rupees ‘32-9-0.’” I respectfully beg to explain with reference to this point, that I raised the assessment because I was informed that Sugavana Mudali the Plaintiff was in the habit of lending money to petty traders by which he derived a considerable profit by means of exorbitant interest, and under the belief that I was vested with powers under Section 54 of the Income Tax Act, to raise the sum originally proposed to what appeared to me to be a fair return of the amount of

profits. The particulars given in the margin will at once show the Board that I did not raise the assessment without due consideration, the only item touched by me being the “interest on money.”

SECOND POINT.—That I “allowed the Plaintiff the privilege of appeal contrary to the provisions of Section 55 of the ‘Income Tax Act.’” Touching this point I beg with due deference to state, that I acted in accordance with the provisions of the Section above quoted, inasmuch as I did not allow

the complainant the privilege of appeal until he appeared in person, and urged satisfactory reasons to show that his failure to make the return within the period allowed was unavoidable. I am sorry that this point was not noticed in your letter* to Government dated 2nd June 1862, No. 135.

THIRD POINT.—That I on the above appeal “reduced the assessment by one-half without confessedly considering the amount of profits

Because it was not known from the records connected with the case. The letter before being despatched to Government was handed over to Mr. Boalth to see. He should have therefore asked the Collector to supply this omission.
D. A.

Sum disposed of by the Tahsildar.					
rent on three houses.....	108	0	0	3 per cent.	4 11 0
profits on bogium lands....	50	0	0	do.	1 9 0
					1st Schedule.
	158	0	0		6 4 0
interest on money.....	360	0	0	3 per cent.	10 12 0
			1	do.	3 9 0
					2nd do.
					14 5 0
					Total Rupees..... 20 9 0
Sum disposed of by the Deputy Collector.					
108.....			3 per cent.	4 11 0	1st Schedule.
50.....			do.	1 9 0	
					6 4 0
158.....			3 do.	19 12 0	2nd do.
660.....			1 do.	6 9 0	
					26 5 0
					Total Rupees..... 32 9 0

*Proceedings of the Madras Government, Revenue Department,
25th August 1862.*

reference to the nature of the offence, the circumstances attending it, and the means of the culprit. In this case the offence was caused by the mistakes of Mr. Boalth. That he was aware of his error at the time when the trial was proceeding is shown by his own statement, in regard to the fourth point; and taking into consideration the irritation necessarily created by a supposed fraud, the Defendant's conduct was not so gross as to deserve the heavy fine inflicted. The Board are still of opinion that the Deputy Magistrate showed great want of judgment in this part of the case.

(True Copies and Extract.)

(Signed) C. G. MASTER,
Acting Sub-Secretary.

No. 332.

ORDER THEREON, 25th August 1862, No. 1,803.

The Government agree with the Board of Revenue in the remarks made by them in these Proceedings. They will warn Mr. Boalth through the Collector to be more careful in the discharge of his public duties.

(Signed) T. PYCROFT,
Chief Secretary.

impede the money collections in this Department. In finally disposing therefore of the case in question, I attached due weight to this fact also.

5. In conclusion I beg leave to remark that I was vested with power under Section 23* of the Income Tax Act by the late Collector Mr. Brett, and not under Section 22 as remarked by the Board in paragraph 8 of their Proceedings dated 1st instant, No. 4,239 (see annexed Oath paper marked A.)

6. Having offered explanation I believe upon all the points noticed by the Board, I leave the matter entirely in the hands of Government to decide whether in the present instance, I have been unnecessarily severe with the Plaintiff, or have in any measure disregarded any portion of my duties in the disposal of the case in question.

(True Copy.)
(Signed) D. ARBUTHNOTT, Collector.

1. Resolved that the foregoing letter together with its enclosure be submitted to Government, with reference to paragraph 2 of their Order in the Revenue Department, dated 4th July 1862, No. 1,459, wherein they directed that Mr. Boalth, Deputy Collector in Salem, should be called upon to render an explanation in regard to certain acts of irregularity brought to notice in the Board's Proceedings of 1st July last, No. 4,239.

2. Mr. Boalth has accordingly in his letter now forwarded by Mr. Arbuthnott, attempted either to justify, or to explain, the transaction referred to.

3. The Deputy Collector urges (first point) that he had good reason for raising the charge proposed by the Assessor in Sugavana Mudali's case; and that believing the individual in question to be making considerable profit by exorbitant interest on money lent to petty traders, he estimated the income from that source at Rupees 660 instead of at the Assessor's valuation of Rupees 360. Mr. Boalth considers that because the surcharge was on the item of interest alone, (the Assessor's estimate of profits under Schedule 1 being left untouched,) it must be clear that he bestowed due consideration on the subject.

4. The Board do not see in this explanation any proof that Mr. Boalth did act with proper care. That the Deputy Collector had not in reality any very authentic information on which to ground this surcharge appears to the Board evident from his after proceedings. They find (third point) that on appeal being made by the surchargee, Mr. Boalth at once accepted the assertion of the appellant who, clad in rags, declared that he was involved in debt, and only transacted business on a small scale. No inquiry was made. The offer of the appellant to pay 16 Rupees was immediately accepted, proof in itself of the hurried nature of the whole affair; and instead of the income being first found, and the assessment then made, the opposite course was pursued; the result being, the impossible assessment which gave rise to further complications.

5. In regard to Mr. Boalth's explanation on the fourth point, to the effect that he was not aware when the list of assessments was sent to the Tahsildar, that the original charge of Rupees 20-9-0 had been entered instead of 16 Rupees, the Board observe that it is inconsistent with the statement made in paragraph 5 of the Collector's letter of 2nd June last, No. 135, and that Mr. Boalth had an opportunity of reading that letter, and offering further explanation if he so wished is shown by Mr. Arbuthnott's note on the second point. It is also apparently from his own showing that the bills were prepared in a very negligent manner.

6. The Board cannot under these circumstances modify the opinion which they have already expressed as to the unsatisfactory way in which on this occasion the Deputy Collector performed the responsible duty entrusted to him.

7. Mr. Boalth, in paragraph 3 of his letter, has defended his proceedings in the matter of the fine imposed by him in his capacity of Deputy Magistrate. The Board, however, consider that he has not shown good reason for having levied so heavy a fine. Penal fines are imposed with

reference to the nature of the offence, the circumstances attending it, and the means of the culprit. In this case the offence was caused by the mistakes of Mr. Boalth. That he was aware of his error at the time when the trial was proceeding is shown by his own statement, in regard to the fourth point; and taking into consideration the irritation necessarily created by a supposed fraud, the Defendant's conduct was not so gross as to deserve the heavy fine inflicted. The Board are still of opinion that the Deputy Magistrate showed great want of judgment in this part of the case.

(True Copies and Extract.)

C. J. Wright

Acting Sub-Secretary.

To A. J. Arbuthnot, Esq., Acting Chief Secretary to Government.
Copy to Honorable D. Arbuthnot, Collector of Salem.

Exd. J. Wright.

W-1803-

*The Govt agree with the Board of
Rev^{rs} in the remarks made by them in
their Pros. They will warn Mr Boalth
through the Coll^r to be more careful
in the discharge of his public duties*

*Recd 18 June 1862 No. 257-258
4 duly m- " 6666y-*

*From Mr. George
25th Aug^r 1862*

11 Chief Secy of Rev^{rs} Dept 26th

PROCEEDINGS OF THE BOARD OF REVENUE,

No. 2234.

*Recd - 1862 Department
25th Aug^r for Aug^r*

Dated 5th August 1862.

Despatched. *7-6-62*
Received. *8-6-62*

No. 5,085.

Submitting a letter from the Collector of Salem, forwarding the explanation called for from Mr Boalth, Deputy Collector in regard to certain acts of irregularity, with the Board's remarks thereon.

W-1803-25th Aug^r

Wm. W. B. B. B.