M.R.O. 14—18,000—27-9-21.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2263 Press ~~Mis.~~

199-200

Dated 11-12-~~19~~ 1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department
11th December 1863.

No. 199. Read the following Proceedings of the Board of Revenue, dated 10th November 1863.

Read again letter from the Acting Collector of the Godavery District, dated 25th August 1863, No. 265, in Board's Proceedings 23rd September 1863, No. 6,050.

Read also the following letters :—

From H. MORRIS, Esq., Acting Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 14th October 1863, No. 339.

SIR,

1. In reply to the Board's Proceedings, No. 6,050, dated the 23rd ultimo, I have the honor to inform you that the portion of the Abkarry Farm of the Cocanada Division included in the Town of Samulcottah was not sub-rented at all while the late Renter held the lease.

2. The population of Samulcottah and its suburbs in Fusly 1265 was 8,888, and the population in Fusly 1271 was 10,664. The present Abkarry rent is Rupees 17,010 or Rupees 1,115 less than the last Renter paid, but several villages have been transferred to a neighbouring Talook.

3. The Board request me to make a definite proposal for compensating the Abkarry Renter for his alleged losses : but I would remind them that the present enquiry was instituted on an *appeal* against my predecessor, who had decided that the Renter was entitled to no remission ; I am of the same opinion ; and, therefore, the utmost I can do is to endeavour to afford the Government, who are of a different opinion, the requisite information for forming their own conclusions.

From H. MORRIS, Esq., Acting Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 29th October 1863, No. 364.

SIR,

I have the honor to return Petition No. 2,335 of 1863, addressed to Government by the Abkarry Renter of Cocanada Talook, as it is connected with the subject of my letter, dated 14th instant, No. 339.

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1. Resolved that the above letters be submitted for the consideration and orders of His Excellency in Council, with reference to paragraph 4 of the Order of Government, dated 23rd July, No. 1,365.

2. The holder of the late Abkarry rent in Samulcottah applied to the late Collector of the District, Mr. Purvis, for a remission of rent during the last year of his lease, (Fusly 1272), stating that in consequence of the removal of the Native Infantry Regiment from that place, three months before the close of Fusly 1271, he had suffered a heavy loss. Mr. Purvis rejected his application, maintaining that other Renters in the District might equally claim remission, that Petitioner took the rent subject to all risks, and that his profits in other places made up to a great extent for any losses at Samulcottah. The Board concurred with the Collector, but on Petitioner's making an appeal to His Excellency the Governor and stating that his losses up to May 1863 amounted to Rupees 6,000, the Government were pleased to direct that the actual loss sustained by him should be ascertained, in view to a corresponding deduction being made from his rent.

3. The letters above recorded give the Acting Collector's views on the case. He concurs with the Board and the late Collector in considering that the Petitioner is not entitled to a remission, but reports what were the net Abkarry sales in Samulcottah during the last eight Fuslies, and the price at which the new rent, commencing with Fusly 1273, was sold. From the Collector's letters it appears that previous to Petitioner's lease, the average of the net sales in Samulcottah was about Rupees 4,600 per annum. In the second year of Petitioner's lease, the families of some other Regiments were located there, and the sales rose to Rupees 6,364 and Rupees 6,544 in Fuslies 1269 and 1270. In Fusly 1271 they fell to Rupees 5,662 the Regiment having been removed in March 1862 and in Fusly 1272 they were less than Rupees 2,000. Though Mr. Morris states in the first letter above recorded, that the families of the other Regiments were resident at Samulcottah in Fuslies 1269 and 1270, the Board gather from paragraph 2 of Mr. Purvis' Endorsement, dated 14th January 1863, that they were still there, and the Board therefore presume that they remained till the close of Petitioner's lease. If such is the case,

the Board consider that the following figures may be roughly stated as representing the late Renter's extra profits and losses in Samulcottah :—

	Rs.
Profit by the influx of the families of two Regiments during four years of his lease, at Rupees 1,500 per annum	6,000
Loss by the removal of the Native Infantry Regiment fifteen months before the termination of his lease, at Rupees 4,000 per annum.	5,000
Net profit	1,000

4. The Board, however, are of opinion that if His Excellency in Council should still consider that the Petitioner is entitled to compensation, the utmost that need be allowed him is the difference between the price paid by him for the farm and that paid by the present Renter. This is stated by Mr. Morris to be Rupees 1,115 ; but as certain villages have been removed from the farm, it may be put at Rupees 1,000, which will fairly represent the difference between the value of the farm now, and its value when the late Renter purchased it at the commencement of Fusly 1268. The amount of this difference during the last fifteen months of Petitioner's lease will be thus Rupees 1,250, and the Board consider that no more than this sum should be awarded to Petitioner.

No. 200.

ORDER THEREON, 11th December 1863, No. 2,263.

1. The Governor in Council considers that under the circumstances of the case there is no occasion to grant any compensation to the late Abkarry Renter of the Cocanada Talook. It is clear that on the whole the Military movements affected his interest at Samulcottah advantageously, and that instead of being a loser he actually realized a larger profit by the transactions at that place than he had reason to expect when he took up the contract.

2. Petition 2,335 of 1863 will be endorsed as follows :—

"The Government have duly considered the circumstances of Petitioner's case, but as "it has been shown that the Military movements generally have been rather to his advantage "than otherwise, they decline to grant him the compensation which he seeks."

(True Extract.)

(Signed) C. G. MASTER,
Deputy Secretary to Government.

To the Board of Revenue with Endorsement for the Petitioner.
„ Military Department.

Exd. S. T. Augustin.

No. 6,050.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 23rd September 1863.

Read the following letter from H. MORRIS, Esq., Acting Collector of the Godavery District, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cocanada, 25th August 1863, No. 265 :—

1. In accordance with the orders of the Government contained in the Board's Proceedings of the 29th ultimo, No. 4,745, I have endeavoured to ascertain the loss which the Abkary Renter of Cocanada has sustained by the removal of the Regiment from Samulcotta.

2. The following Statement shows the net sales, after the value of the liquor has been deducted, in the five Faslis of his last lease, and in the three preceding Faslis. The Regiment was absent during Fasli 1272, and the last three months of Fasli 1271.

Fasli.	Rupees.
1265.....	4,935
1266.....	4,665
1267.....	4,258
1268.....	4,844
1269.....	6,364
1270.....	6,544
1271.....	5,662
1272.....	1,955

3. The increased sales in Faslis 1269 and 1270 were occasioned by the families of other Regiments having been at that time located at Samulcotta.

4. I would remind the Board that I have no means of ascertaining the Renter's loss, except the examination of his own accounts.

1. The Acting Collector is requested to make a definite proposal for compensating the Abkary Renter for his alleged losses during the last fifteen months of his contract.

2. The present Abkary rent should also be stated in his reply to their Proceedings, and if by inquiry it could be ascertained for what amount the farm was sub-rented, during the time the Regiment was at Samulcotta, both before and after the arrival of the families alluded to in paragraph 3 of his letter, and what amount is now paid by the Sub-renter, it would probably assist Mr. Morris in arriving at a fair estimate of the actual loss sustained by Petitioner. The effect of the removal of the Regiment on the population of the town should also be taken into account in the calculation.

(A true Copy and Extract.)

(Signed) R. A. DALYELL,
Sub-Secretary.

To H. Morris, Esq., Acting Collector of the Godavery District.

Exd. J. Wright.

Enclosure in the Paper of the Bd of Revenue to the Board to Govt. R. D. Dated 10 November 1863. No

1863. Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd September 1863.

No. 6,050.

Requesting that a definite proposal be made to compensate the Abkarry Renter of Cocanada for the alleged losses sustained during the last 15 months of his contract.

the renter a statement
shewing the net sales at Samuelcottah
of the five Faslis of the
Rent-Roll as low
as those of the three*
preceding Faslis when
the same man held
the farm. The Regiment
left the Station fifteen
months before the ex-
piration of the second
Lease, and it is for
that period that com-
pensation is claimed.

Mr Morris declines
to make any proposal
for compensating the
Renter because he is
of opinion that any
remission is unnecess-
ary.

The Board in re-
viewing these papers
concur in the conclusion
that, taking profits
with Loss, the Renter,
through an unexpected
influx of families of
two Regiments on
foreign service, has
been, notwithstanding
the removal of the
Regiment, a gainer

× 1265–1272

* 1265–1267

Rent of Faslis 1268–1272 p. annm 18125
Present rent per annm .. 17010
Difference per annm 1115
Deduct on acct of certain
villages transferred to
another Zillah 115
Remainder (for 1 year) 1000
Add at same rate
for 3 months ... 250
Total for 15 months. 1250

Rs.

* i.e. 4 years @ 1500 Rs per annum

on the whole by Rs. 1000–
and they are of opin-
ion that if Government
consider this a fair
subject for considera-
tion he should be
allowed the difference
between the sum paid
by him for the farm
and that paid by
the present Renter
amounting to per
annum Rs: 125 0–
the Board have
taken into account
the fact that through
the influx of the
families of certain
Regiments the Renter
got an extra profit
of 6000 Rupees. It
seems doubtful whe-
ther Government have
any interest in this
matter. The question
is not whether the
Renter made a profi-
table speculation
on the whole but whe-
ther thro' the removal
of the Regiment any
profit which

might have accepted
the loss to happen. Still
it is the observed fact
[redacted] the
objection taken by Govt
to the original refusal
of the Collector & Bd
of Revenue & consi-
der this claim was
because they (the local
& appellate authorities)
had assumed that
as the Reuters profits
elsewhere than
Samulcottah vouched
more than covered
any loss which he
might have sustained
at that place, com-
pensation was inad-
missible. The Board
now allow that there
was really a profit
instead of a loss
at Samulcottah [illegible]
in comparison with
former averages
There was thus no ac-
tual loss in consequence

of the deduction of
the Reuters tax
from the Petitioners
profits & the
Boards Proceedings
under Review, dated
the 21st Oct. 1848.

It certainly appears
not improbable that
the presence of a Reuters
in the station should
have added 4000 Rs.
yearly to the Reuters
profits & result is con-
sidered that in the
subsequent years the annual
rent was reduced by Rs
1000 only though Samul
cottah had been abo

-dered as a Military Cantonment.

It must be remembered that the figures upon which the Board have their remarks are furnished by the Petitioner and that the Collector has no means of testing their correctness. It is not unreasonable therefore to suppose that the late winter may have underrated the receipts appertaining to the last fifteen months of the lease in view to enhancing the compensation he hopes to obtain.

Under these circumstances should the Boards recommendation be adopted? or shall some other course be pursued?

C. Gill
5/12

It seems to me that letter from the Master

As some of the Board Petitioners witnesses & there is reason to be in attendance to be examined.

We now know that Military movements will effect Samuel Cottle adversely, & that he cannot attend in the whole, his Petition should in any manner

[illegible]

tance of Works & gain from the advent of Regimental families, may fairly be set off against each other - neither being stipulated for in the Contract. If he is entitled to compensation for the removal of the Regt - first, by parity of reasoning, are entitled to extra land for the families land to Samuel Cottle

L D S.

Revenue Department—

2263.

Madras Government—

11th December 1863.

Read the following Proceedings of the Board of Revenue.

Dr

Abkary

Submitting with remarks letter from the Actg Collector of the Godavery District regarding the Compensation to be given for Toddy destroyed by the late Abkary Renter of the District.

(Here enter 10th Novr 1863)

The Governor in Council considers that under the circumstances of the case there is no occasion to grant any compensation to the late Abkary renter of the Cocanada Taluk. It is clear that on the whole the Military movements affected his interest at Samulcottah advantageously and that instead of being a loser he

Collr Godavery

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~~Lid, in reality~~ actually realized a la
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"The Gov't have duly con
"sidered the circumstances
"of Petitioner's case but as
"it has been shewn that th
"Military movements gen
"rally have been rather to
"his advantage than otherwis
"they decline to grant him
"compensation which he seek

14 Copies Letter Book Rule with the
Endorsement for the Petitioners
Dept Interior
Military Dept Mex

Pro: Nov: 1863 Dept:
Pro: of Govt for December

No: 2263.

Pro: of the Madras Govt:
Dt: 11th December 63.

Pro: No. 429-431
23-7-63

Compensation
claimed by the late Collector
Renter of the Cocanada
Taluq in Godavery Distt:
refused.

No: 199 & 200.

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