

MADRAS RECORDS OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 620

Press
~~Mis.~~

35. 36

Dated 9. 4. 1918.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
9th April 1863.*

No. 35. Read the following Proceedings of the Board of Revenue, dated 28th November 1862, No. 7,830 :—

Read the following letter from J. SILVER, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 10th November 1862, No. 483.

SIR,

1. I have the honor to inform the Board that a Cavalgar of the village of Keelpadaki in the Tenkarai Talook complained that the Mirasidars and Ryots of his village withheld payment of his fees for the last four years, amounting to about 400 Rupees, and he petitioned that the same might be recovered from them.

2. I referred it to the Deputy Collector for inquiry and report. This Officer states in his letter of the 4th instant, that he has a doubt as to whether Caval fees claimed from individual Ryots in any village, are recoverable under Regulation VI of 1831, and he requests instructions on the following points :—

1st. Are Caval fees stated to be withheld by the Ryots of a village recoverable under Regulation VI of 1831 ?

2nd. If so, under what Rules and how, are decrees adjudging the payment of such fees, to be executed ?

3. I am of opinion that if the fees withheld by the Ryots are annexed by the State to the Office, and entered in the public accounts, complaints relating to such fees are cognizable under Regulation VI of 1831, and the decrees adjudging the payment of such fees can be executed in the same manner as other decrees of a civil nature are carried out ; but if the fees alleged to be withheld by the Ryots, are the voluntary contributions of the Ryots, the claims for such contributions are not cognizable under the above Regulation, the same being paid under private arrangements between the Villagers and Cavalgars.

4. I therefore request to be favored with the instructions of the Board, as to whether I am right in my views.

1. The question of the realization of Fees to village Officers is a somewhat complicated and difficult one, and has been for sometime under discussion by the Board and Government. It will probably be the subject of special legislation at an early date.

2. Meanwhile, the Board will repeat here their opinion already recorded, that Regulation VI of 1831 is intended for the determination of claims to share in or succeed to village offices, and the emoluments annexed to them, and for the control of the Office-holder ; but not for the adjustment of disputes between Office-holders and Ryots regarding the Fees which form those emoluments (see Board's Proceedings dated 10th March 1860, No. 1,242, paragraph G).

3. If it can be shown that the fees in question really formed a part of the Melvarum or Government share of the produce, and were left in the hands of the Ryot for payment to the party entitled to receive them, as a mere matter of convenience, there is no objection in principle to the inclusion of such Fees in the Ryots' Puttah, and the realization of them as an arrear due to Government ; but this course would not, in the Board's opinion, be legal in the case of Fees charged on the Kudivarum, or Tundavarum or Miraswarum belonging to the Ryots, in the present state of the Law. The realization of these last fees must at present, in the Board's opinion, be effected by a regular suit either in the Small Cause Courts or ordinary Courts, as in an action for the recovery of a debt.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 36.

ORDER THEREON, 9th April 1863, No. 620.

Ordered to be recorded.

(Signed.) C. G. MASTER,

Deputy Secretary to Government.

No. 7,830.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th November 1862.

Read the following letter from J. SILVER, Esq., Collector of Tinnevely, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated 10th November 1862, No. 483 :—

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2nd. If so, under what Rules and how, are decrees adjudging the payment of such fees, to be executed?

3. I am of opinion that if the fees withheld by the Ryots are annexed by the State to the Office, and entered in the public accounts, complaints relating to such fees are cognizable under Regulation VI of 1831, and the decrees adjudging the payment of such fees can be executed in the same manner as other decrees of a civil nature are carried out; but if the fees alleged to be withheld by the Ryots, are the voluntary contributions of the Ryots, the claims for such contributions are not cognizable under the above Regulation, the same being paid under private arrangements between the Villagers and Cavalgars.

4. I therefore request to be favored with the instructions of the Board, as to whether I am right in my views.

1. The question of the realization of Fees to Village Officers is a somewhat complicated and difficult one, and has been for sometime under discussion by the Board and Government. It will probably be the subject of special legislation at an early date.

2. Meanwhile, the Board will repeat here their opinion already recorded, that Regulation VI of 1831 is intended for the determination of claims to share in or succeed to village offices, and the emoluments annexed to them, and for the control of the Office-holder; but not for the adjustment of disputes between Office-holders and Ryots regarding the Fees which form those emoluments (see Board's Proceedings dated 10th March 1860, No. 1,212, paragraph 6).

3. If it can be shown that the fees in question really formed a part of the Melvarum or Government share of the produce, and were left in the hands of the Ryot for payment to the party entitled to receive them, as a mere matter of convenience, there is no objection in principle to the inclusion of such Fees in the Ryots' Puttah, and the realization of them as an arrear due to Government; but this course would not, in the Board's opinion, be legal in the case of Fees charged on the Kudivarum, or Tundavarum or Miraswarum belonging to the Ryots, in the present state of the Law. The realization of these last fees must at present, in the Board's opinion, be effected by a regular suit either in the Small Cause Courts or ordinary Courts, as in an action for the recovery of a debt.

(A true Copy and Extract.)



Secretary.

To J. Silver, Esq., Collector of Tinnevely.

Copy to J. D. Sim, Esq., Secretary to Government, R. D., for information.
„ to W. Robinson, Esq., Inspector General, Mofussil Police, do.

Exd. J. Wright.

Ms. A. 9. 2. 6/60. 1871. 678.

*Rev. = 1862. Department
Bro. of Good for 2 years*

No. 3332

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 23rd November 1862.

*20 of 3. 2000
200. 1. 0.*

No. 7,830.

Issuing instructions for the realization of fees
Village Officers.

RECORDED.

9. 10. 630.

*Thos. W. L. Brown
9. 10. 630. 1862*

14 Copies Collected by Rev. (Capt. W.)

Ms. A. 9. 2. 6/60.