M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1064 Press ~~Mis.~~

260. 261

Dated 20. 6. ~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th June 1864.

No. 260. Read the following Proceedings of the Board of Revenue, dated 21st May 1864:

Read again Board's Proceedings, dated 9th May 1864, No. 2,801.

Read also the following letters :—

From G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Calicut, 7th May 1864, No. 109.

SIR,

1. I have the honor to submit the enclosed Petition* (received a few days after my late letter† to the Board) by which it will be seen that the Cardamom Renter now begs permission to give up the farm.

* From Kateyat Govinda Menon, Wynad Cardamom Renter, dated 2nd May 1864.

† Dated 29th April 1864, No. 98.

2. I proposed about a year ago that he should be called upon to pay his then arrears or give up the farm. The Renter has succeeded in staving off settlement of the question, and has consequently been able to reap the profits of the last Cardamom crop. There is no doubt that he has made an excellent thing of it, though his profits (if the Government arrears are collected) will not have been as large as they doubtless would have been, had the agitation regarding the rights of Government and the Renter, and the difficulty regarding "Police protection," not arisen.

If the balance due against the Renter for Fusly 1272, viz., Rupees 7,000, and the rent for Fusly 1273 are given up, however the Renter will have good cause to congratulate himself as he very well knows, though he keeps up, and will keep up, the fiction of losses to the end.

3. Considering all the circumstances, however, I have only to repeat my recommendation that the Cardamom contract be annulled, all possible objection to the step being now removed as far as the Renter is concerned by his present Petition, and that the balances be written off.

4. If this is done it remains to be considered whether any farther revenue is to be derived from Cardamoms than that which the present Export Duty will afford, and if so, in what manner such revenue should be raised. On these points I will address the Board shortly.

From G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Fort Saint George, dated Calicut, 16th May 1864, No. 114.

SIR,

1. I have the honor to acknowledge Board's Proceedings of the 9th instant, No. 2,801.

2. The Board will have perceived by my letter of the 7th idem, No. 109, that the Cardamom Renter has agreed to give up the lease.

2. The only immediate question that remains is whether or not I am to make any demand against him for the balances due to Government, and on this point I request orders. My own opinion is these balances should be written off.

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1. Ordered that the above papers be submitted to Government, with the Board's recommendation that the Collector be authorized to accept the Renter's unconditional relinquishment of the farm in satisfaction of the Government claim on him for the arrears of rent.

2. The Board see no reason whatever to believe that the Renter is equitably entitled to any compensation for losses sustained, but under the circumstances of the case it is desirable to close the transaction.

No. 261.

Miscellaneous.

ORDER THEREON, 20th June 1864, No. 1,064.

The Government authorize the Collector to accept the Renter's relinquishment of the farm in satisfaction of the Government claim on him for the arrears of rent, provided he gives formal acquittance for all claims real or imaginary he may have against the Government.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 2,801.

Proceedings of the Board of Revenue, dated 9th May 1864.

Read the following letter from the Collector of Malabar, dated Calicut, 29th April 1864, No. 98 :—

To Board dated 28th November 1863, No. 259.
From do. dated 13th February 1864, No. 968, communicating Government Order dated 8th idem, No. 234.

1. Adverting to the correspondence noted I have the honor to observe that the Cardamom Renter has neither proposed, nor assented to any fair settlement of the Cardamom Farm question. He has reaped the benefit of last season's crop, but has neither settled the old balance of Rupees 7,000 due for Fasli 1272 since, nor paid the instalment of Rupees 8,000, which fell due on the 25th instant. On the demand being urged, he distinctly and contumaciously told the Tahsildar that he did not intend to pay either the one or the other.

2. I ordered a partial attachment of property on the 2nd instant, and hearing that a sum of Rupees 21,000 was to be paid into the Calicut Civil Court a few days ago to the credit of the Renter in connection with a suit between him and an alleged partner or sub-renter in this Farm, I moved the Court to make over the money to me on account of the Government dues. The Renter hearing of this came to a private agreement with the other party, and arranged that the money should not be paid through the Court at all.

3. I stated at the commencement that there was little hope that the Renter would agree to any reasonable terms, and his conduct has clearly shown that there is none.

4. I therefore propose either (1) to attach the Renter's property to the full amount of his liabilities and proceed to sale if they are not liquidated in due course; or (2) to declare the Farm at an end from the Renter's defalcation, taking off the attachment now obtaining, and writing off the balances due. I would observe that this step can clearly be taken under the last provision in the 7th Clause of the deed of lease of the Farm, wherein it is provided that the Contractor must abide by any award which the Government deems proper to make for infringement of the terms of the lease. Determined delay and refusal of payment seem certainly such infringement as entitles Government to act.

Had this course been carried out a year ago the farmer would have been no positive loser. He has since had the profits of last season's Cardamoms. But even now I would recommend the abolition of the lease, and to avoid all appearance of hardship the abandonment of the outstanding demand against the Renter.

5. I advocate the latter course as we thereby get rid of a Farm which under present conditions is a fertile source of oppression, intrigue, and trouble.

I beg I may receive very early instructions as it is most desirable that the matter be definitely settled.

Government Order dated 8th February 1864.

1. The Board observe that the Government have already ordered that unless the Renter agrees to the annulment of the lease, it shall be continued for the full period and the punctual payment of the Government rent be enforced.

2. The Board request the Collector to carry out these orders without delay.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To G. A. Ballard, Esq., Collector of Malabar.

Exd. J. Wright.

For Orders: The contents
Petn. leaves State an
opinion read Sect. Rule
Authority if has Ballance
is an Attendant & claim
in his hands to with yield
Appin an application and
to an old claimes and
Commr Hunter in view any Diary
Dissent

Ordered that he may have permission to Thomas Ley
the Cardamom Plantations in the Pulneys & Salumbrs Hills, upon the conditions
mentioned in the Board's proceedings, upon which a Cardamom Farm
was granted to Messrs Wilson & Co in 1862.

Endorsement on the Proc. of the Bd of Rev. to the Govt. dated 21 May 1864.

1864. Department.

Rev. 1339/64

No.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 9th May 1864.

Despatched

Received

No. 2,801.

Requesting the Collector to carry out the orders conveyed in Government order dated 8th February 1864, regarding the Cardamom Farm.

No. 1064.

The Government authorize the Collector to accept the Renters' relinquishment of the Farm in satisfaction of the Government claim on him for the arrears of rent, provided he gives formal acquittance for all claims real or imaginary he may have against the Government

From St. George
20th June 1864.

To Board of Revenue with one Enclosure
Dept. 21 June.

Pro 8th Febuary 64 N°142-143.

Rev = 1864 Depart.
Pro: of Govt for Dec.
N°. 1339.

Proceedings of the
Board of Revenue

Dated 21st
Desp. 21 } May 1864
Rec. 23d.
E. ½ - 1 Encls. Resp.

Submitting with the Board's recommendation letters from the Collector of Malabar forwarding a Petition from the Wynaad Cardamom Planters soliciting permission to give up the Farm.

C 1:260+264

N°1064. 20 June,

With an Order in C.

C 10 Lines 54 Rec.