

# MADRAS RECORD OFFICE.

Government of Madras.

*Pension* DEPARTMENT.

|          |          |                 |
|----------|----------|-----------------|
| G.O. No. | 1815     | Press           |
|          |          | <del>Mis.</del> |
|          | 81.82    |                 |
| Dated    | 4.8.1865 |                 |

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,*  
4th August 1865.

No. 81. Read the following Proceedings of the Board of Revenue, dated 25th July 1865.

Read the following letter from G. L. MORRIS, Esq., Collector of Tanjore, to R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue, dated Tanjore, 17th July 1865, No. 212:—

SIR,

1. From the correspondence recorded in the Board's Proceedings marginally noted, the Board are aware that the landed property of one Tiagasam-manda Mudaliar therein referred to, and which consists of V. 140, M. 17, G. 89 $\frac{1}{4}$ , paying a revenue of Rupees 4,229-1-1 to Government, has been placed under attachment in accordance with the provisions of the Criminal Procedure Code.

2. The greater part of these lands having already been leased out by Tiagasam-manda Mudaliar, arrangements have been made for the rent due thereon being collected under the terms of existing lease. Provision has to be made, however, for the cultivation this year of the remainder, consisting of V. 57, M. 5, G. 68 $\frac{3}{4}$ , situated in the Negapatam Talook, and for which no lease has been granted by the proprietor.

3. The Acting Sub-Collector reports that it is impracticable to rent out these lands, as various claims thereto have been brought forward, and no one would be willing to undergo the expense of cultivating them with the almost certain additional expense of a civil suit in prospect; and that the only way of having them cultivated is to do so under Amani. For this purpose Mr. Plumer adds, it is necessary to make

|                               |        |
|-------------------------------|--------|
| 2 Moniagars, at Rupees 7 each | Rs. 14 |
| 4 Peons, at Rupees 4 each     | " 16   |
|                               | —      |
|                               | 30     |

advances to the extent of Rupees 1,616, and further to entertain a temporary establishment at a monthly cost of Rupees 30, as shewn in the margin.

4. As the cultivation season has already far advanced, and it is indispensably necessary to make immediate arrangements for the lands being duly cultivated this year, in order to realize the Government demand due thereon, I beg to request that the Board will be pleased to accord their early sanction, or obtain that of Government, if necessary, for the sum above-mentioned, as also the cost of the temporary establishment proposed, being paid from the Treasury in advance, to be afterwards made good from the proceeds of the harvest.

5. A statement shewing the particulars of the landed property in question, is herewith enclosed.

Submitted for the early sanction of Government, with reference to the Proceedings quoted by the Collector.

No. 82. ORDER THEREON, 4th August 1865, No. 1,815.

Miscellaneous.

1. The Government do not find that the Criminal Procedure Code (Section 184) provides for any such expenditure as is proposed by the Collector and recommended by the Board, or for the recovery from the owner of land attached for evasion of a

*Handwritten signatures and initials at the bottom of the page.*

December 1865. - O'Leary.  
No. 16 with 1/2 acre to  
No. 17. 2047.

Proceedings of the  
Board of Revenue

Dates 25<sup>th</sup> July 1863.  
 Billed 25- of  
 Dec 20<sup>th</sup>  
 £1-0<sup>5</sup>/<sub>2</sub> <sup>1863</sup> ~~1862~~ <sup>1863</sup> ~~1862~~ <sup>1863</sup> ~~1862~~  
 for the Order  
 suppling 4<sup>th</sup>  
 for from the Coll<sup>rs</sup> of  
 various regiments  
 and others for covering  
 No 1616 & containing  
 a temporary list of  
 a monthly list of No 30  
 for containing certain  
 cards in 1863.  
 25<sup>th</sup> July 1863.

[illegible]

Exd. S. T. Augustin.

It is a loss from the non cultivation of  
lands under attachment, such loss is  
one of the legitimate consequences of this  
eviction. For such loss, the Govt will  
not be bound to make him compensation.  
In the event I have suggested as possible.  
Should the land eventually be sold,  
it is of no consequence <sup>to Govt</sup> whether there is  
a crop or not in the whole of the area  
embraced by what has been attached.  
The market value of the land (as it is)  
I conclude, fast-rates) will be realized  
in either case, but under what law  
shall we say to the vendee under  
the attachment sale, "pay in cash what  
we have advanced" <sup>during the attachment</sup> -  
I would therefore decline to adopt  
the step suggested by the Govt and  
supported by Mr. W. I leave the land  
under attachment - being then out as

a simple conditional case with caveats.  
The absent landlord will  
fight every inch of ground with the  
Govt representatives, whether he surrenders  
or not, & we must be extremely cautious.  
If the terms of the Code I have noted  
were wider in its terms, I would pass the  
order, but at the disposal of Govt is a worse  
contracted term we therefore to act  
in accordance with the intent & advice of Mr. W.

or leave them  
follow if  
appears can be  
found

I agree with Mr. Phillips

that the safest plan  
is to attach the land  
and sell it at the  
expiration of the time  
from the attachment  
law. If the maintenance  
of the property is  
such that the owner  
is innocent or is  
acquainted he will get  
his land & be obliged to  
pay the expenses  
upon it - the land  
may be leased or  
built upon must be left follow

27 July

I might add briefly - Section 184 <sup>contemplates only</sup> attachment & sale.  
The property attached is to be determined during  
attachment, but sale may be made at once - otherwise  
the expiration of six months must be awaited.  
Query then: will the attached lands suffer in the  
manner contemplated in the Code in respect of possible  
property? If it will, sell at once - of course, continuing the  
attachment "pure et simple" & sell at the time limited  
WD

Revenue Department

28.1815 B

Proceedings of the Madras Government  
under date the 4<sup>th</sup> Aug<sup>th</sup> 1865 -

Read the following

Pro: of the Bd of Revenue -

Submitting letter  
from the Colly of Tanjore re-  
questing sanction for a down-  
-ing of Rs 1616 and entertaining  
a temporary rate at a month-  
ly cost of Rs 30 for cultivating  
certain lands in <sup>the</sup> ~~the~~ -

(Here rates 25<sup>th</sup> July  
1865, 7<sup>th</sup> 10)

The Govt do not  
find that the Criminal Pro-  
-cedure Code (Section 184) pro-  
-vides for any such excep-  
-tion as is proposed by the  
Collector and recommended  
by the Board for the re-  
covery from the owner of  
land attached for evasion  
of a warrant - of the charges  
incurred for the cultivation  
of the land in the event  
of its release -

The Collector will  
if

WV

4

if possible, arrange with  
the parties in occupation  
to cultivate the land and  
pay the soot assessment. -  
Otherwise the land must  
be left fallow, and any  
loss resulting therefrom to the  
owner will be the necessary  
consequence of his act. -

The soot dues on  
the land will be realised  
in ordinary course as pro-  
vided by Law - but the Colly  
will of course accept pay-  
ment on behalf of the ab-  
sentee proprietors, if tendered  
to him. -

16 Copies to the P. of R. Receipts & Encls.

27  
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Jan

to the

Revenue 1865 Depatt  
Pro of Govt for August

No 1815

Pro of the Madras Govt  
of 11<sup>th</sup> August 1865

Passing Orders with reference  
to the course to be followed in  
the cultivation of land placed  
under attachment.

No 81782