M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1774 Press ~~Mis.~~

331 332

Dated 18-7— 1866.

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department,
18th July 1866.

No. 331. Read the following Proceedings of the Board of Revenue, dated 10th July 1866, No. 4,705.

Read the following letter from the Collector of North Arcot, to the Secretary to the Board of Revenue, dated Palmanair, 6th June 1866, No. 147 :—

1. I have the honor, with reference to the Proceedings noted in the margin, to observe that a misapprehension appears to pervade the correspondence therein embodied with respect to the actual results of the attempt to enforce Government Order of the 9th February 1861 in the Zemindaries of Kalastri and Cavetnugger and the Jaghire of Arni. In paragraph 25 of that paper the case is thus stated :—

Dated 15th December 1865.

"It is observed from the letter of the Collector of North Arcot, in Board's "Proceedings, dated 26th August 1861, No. 4,625, that the Government Order of "the 9th February 1861 was not carried out in the Zemindaries of Cavetnugger "or Kalastri or in the Jaghire of Arni, and from the correspondence submitted "with the Board's Proceedings, dated 28th February and 16th December 1862, "26th January 1863, and 7th June 1864, it seems evident that the collection of "Moturpha by the Zemindars and Jaghiredar was never discontinued. No "question of compensation in regard to the interval since the date of the Govern-"ment Order need, therefore, be considered in these cases.

2. Now in looking back on the correspondence which is there summed up, I cannot find that there is anything which quite supports such a conclusion.

3. The Order of Government was indeed communicated to these landholders, but they all acknowledged its receipt with a protest that it contravened certain conditions of the tenure on which they held their estates, and did not intimate whether it was their intention to act or not to act on the requisition. It would now appear, accepting their representations as true, that of these three landholders, the Kalastri Zemindar alone continued to levy his Moturpha dues as heretofore, but that the further collection of the tax was for the time discontinued in the Cavetnugger Zemindary and the Jaghire of Arni.

4. The proprietors of these two last-named estates now claim as compensation Rupees 34,000 and Rupees 31,000, respectively. In support of these two claims no proof has yet been adduced ; but in the event of these two proprietors establishing that, during that interval, the collection of the tax was actually suspended, good faith would require that their claims should be entertained, and such adjustment made as might be shewn to be equitable on reference to the accounts and other evidence which they might be able to produce. It will rest with the two claimants to shew what their annual receipts from this source amounted to, and for how long an interval the collection of the tax was in abeyance. Striking an average on the out-turn of the tax for the last five years, and multiplying the amount by the time its collection was in abeyance, we should get a fair estimate of what should be paid in compensation. It would be an act of very doubtful good faith to turn round on them now with the answer that Government was not responsible for any losses which they might have sustained in the interval, because beyond remonstrating against the applicability of the Order to their case, they had not, at the time it was

communicated to them, distinctly stated whether they had practically obeyed its direction or not.

5. If the Board concur with me in the propriety of admitting these claims to an inquiry, I would ask their permission to act on the tenor of the instructions conveyed in the three closing paragraphs of the Government Order of the 25th November 1865 in the matter of a similar claim in the Venkatagherry Zemindary.

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1. Submitted for the orders of Government, with reference to the Proceedings in the Revenue Department, dated 25th November 1865, No. 2,906.

2. The Board observe that in paragraph 5 of his letter, dated 2nd August 1861, No. 184, the Collector distinctly reported that all action on the Order of Government of 9th February 1861 was suspended until further orders.

No. 332. ORDER THEREON, 18th July 1866, No. 1,774.

Miscellaneous.

1. If it be proved to the satisfaction of the Collector that the collection of Moturpha in the estates in question was actually suspended in consequence of the Government Order, the proprietors have an equitable claim for compensation for loss of that income to which the G. O. of 25th November 1865, No. 2,906, admitted their prescriptive right, and the Collector should institute the necessary enquiries to establish the fact, and should submit the results with his recommendation on the subject. Great caution and discrimination will be necessary in the enquiry, and the Government will expect the Collector to state fully the facts upon which he may have formed the opinion in regard to compensation at which he may arrive.

2. There were ample grounds in the previous correspondence to warrant the conclusion that the collection had not been suspended.

3. The compensation, if allowed, will be given by a credit in the account of Peishcush payments.

(True Extract.)

(Signed) W. HUDLESTON,

Acting Secretary to Government.

To the Board of Revenue.
,, the Accountant General.

Exd. S. T. Augustin.

No. 4,705.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 10th July 1866.

Read the following letter from J. D. ROBINSON, Esq., Collector of North Arcot, to the Secretary to the Board of Revenue, dated Palmanair, 6th June 1866, No. 147 :—

Dated 15th December 1865.

1. I have the honor, with reference to the Proceedings noted in the margin, to observe that a misapprehension appears to pervade the correspondence therein embodied with respect to the actual results of the attempt to enforce Government Order of the 9th February 1861 in the Zemindaries of Kalastri and Cavetnugger and the Jaghire of Arni. In paragraph 25 of that paper the case is thus stated :

"It is observed from the letter of the Collector of North Arcot, in Board's Proceedings, "dated 26th August 1861, No. 4,625, that the Government Order of the 9th February 1861 was "not carried out in the Zemindaries of Cavetnugger or Kalastri, or in the Jaghire of Arni, and "from the correspondence submitted with the Board's Proceedings, dated 25th February and "16th December 1862, 26th January 1863, and 7th June 1864, it seems evident that the collection of Moturpha by the Zemindars and Jaghiredar was never discontinued. No question of "compensation in regard to the interval since the date of the Government Order need, therefore, be considered in these cases."

2. Now in looking back on the correspondence which is there summed up, I cannot find that there is anything which quite supports such a conclusion.

3. The Order of Government was indeed communicated to these landholders, but they all acknowledged its receipt with a protest that it contravened certain conditions of the tenure on which they held their estates, and did not intimate whether it was their intention to act or not to act on the requisition. It would now appear, accepting their representations as true, that of these three landholders, the Kalastri Zemindar alone continued to levy his Moturpha dues as heretofore, but that the further collection of the tax was for the time discontinued in the Cavetnugger Zemindary and the Jaghire of Arni.

4. The proprietors of these two last-named estates now claim as compensation Rupees 31,000 and Rupees 31,000 respectively. In support of these two claims no proof has yet been adduced; but in the event of these two proprietors establishing that, during that interval, the collection of the tax was actually suspended, good faith would require that their claims should be entertained, and such adjustment made as might be shown to be equitable on reference to the accounts and other evidence which they might be able to produce. It will rest with the two claimants to show what their annual receipts from this source amounted to, and for how long an interval the collection of the tax was in abeyance. Striking an average on the out turn of the tax for the last five years, and multiplying the amount by the time its collection was in abeyance, we should get a fair estimate of what should be paid in compensation. It would be an act of very doubtful good faith to turn round on them now with the answer that Government was not responsible for any losses which they might have sustained in the interval, because by one remonstrance against the applicability of the Order to their case, they had not at the time it was communicated to them distinctly stated whether they had practically obeyed its direction or not.

5. If the Board concur with me in the propriety of admitting these claims to an inquiry, I would ask their permission to act on the tenor of the instructions conveyed in the three closing paragraphs of the Government Order of the 25th November 1865 in the matter of a similar claim in the Venkatagherry Zemindary.

---

1. Submitted for the orders of Government, with reference to the Proceedings in the Revenue Department, dated 25th November 1865, No. 2,906.

2. The Board observe that in paragraph 5 of his letter, dated 2nd August 1861, No. 184, the Collector distinctly reported that all action on the Order of Government of 9th February 1861 was suspended until further orders.

(A true Copy and Extract.)

Acting Secretary.

To the Acting Secretary to Government, Revenue Department.

Copy to the Collector of North Arcot.

Exd. T. Cartledge.

Pub. Cons. 1861 No. 120 to 123
- 25 Nov. 1865 : 473-482

Rev. 1866. Department
Pro. of Govt. for July

No. 2050.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 10th July 1866.

Dept. Rev.
Rec. 12th

Pro. of the Board of Revenue
24th July 68 C. No. 1136
No. 4,703.

Submitting for orders letter from the Collector of North Arcot requesting opinion as to the admissability of the claims of the Zamindars of Kalastri and Cavetnuggar and the Jaghiredar of Arni for compensation for loss sustained by the non-collection of the Moturpha tax.

No. 1774 - 18 July
With order

14 Dec. 68 Rec. and Sanctioned

No. 331-332

13 July 1866

8th 1774.

If it be found that the Zamindars of Kalastri & Cavetnuggar & the Jaghiredar of Arni in the Districts in Question have actually suffered in consequence of the Moturpha tax, the Legislature have an Equitable claim from Government for compensation in some shape for the loss. If the Govt. of 25 Nov. 1865 have admitted their claim, it is not necessary to enquire into the nature of the loss, but it will be necessary to enquire & establish the fact. It will be for the Govt. to decide whether the results will be sufficiently important to the Revenue to justify the expense of the enquiry.

There are ample grounds in the previous correspondence for the conclusion that the Cavetnuggar & Arni Zamindars have suffered. Their representations if allowed, will be given by a credit in the account of Peishcush payments. [illegible] 18th July 1866