M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	2744	Press ~~Mis.~~
27-89		
Dated	7th October	1909.

Not to be folded or roughly handled

Qms

Read the following papers :—

No. 87. Proceedings of the Board of Revenue, dated 4th September 1869, No. 6,649.

Read the following letter from the Collector of North Arcot, to the Acting Secretary to the Board of Revenue, dated Palmanair, 11th June 1869, No. 180.

Government order, dated 18th July 1866, No. 1,774, in Board's Proceedings, 21st idem, No. 5,038.
Government order, dated 15th December 1868, No. 3,123, in Board's Proceedings, dated 24th September 1868, No. 6,793.

I HAVE the honour, with reference to the orders of Government noted in the margin, to submit copy of a letter* from my Head-Assistant, Mr. Wilkinson, reporting the result of his inquiries as to whether the collection of Moturpha in the Karvetnugger Zemindary was actually suspended, and if so, for how long, in consequence of the Government order, dated 9th February 1861, No. 318.

* Dated 15th January 1869, No. 33.

2. The Board will observe that Mr. Wilkinson has made a thorough inquiry, and that it has been satisfactorily established that the collection of Moturpha in this Zemindary was, with the trifling exception which I will now explain, actually suspended from Fusly 1271 to Fusly 1274, inclusive.

3. It was found, on scrutinizing the Accounts, that a sum of Rupees 645-10-10 had been collected on account of Moturpha tax during this interval. The Zemindar explains that these collections were made without his knowledge; but however this may have been, the circumstance must have been known to his Agents, as the money was remitted to the treasury from time to time, and finds place in his Nagadi Chittah Accounts. As, however, the amount of Moturpha tax so collected during the period the Interdict was in force is very small, and as, with this exception, the collection of Moturpha was, as already stated, actually suspended in the Estate, I beg to recommend that the compensation named in paragraph 5 of Mr. Wilkinson's letter, namely, Rupees 27,554-13-8, minus the Rupees 645-10-10, of which I have spoken above, may be paid to the Zemindar.

4. The Board will observe from paragraph 6 of his letter that Mr. Wilkinson recommends that compound interest should be allowed to the Zemindar on the amount of compensation and interest accruing year by year. The mode in which Mr. Wilkinson has calculated this interest, which, in the aggregate, amounts to Rupees 13,190-14-6, is shown in Enclosure A. of his letter. Compound interest has never hitherto been granted in any single instance in this district. Simple interest only calculated on the annual amount of compensation ultimately settled, is all that has ever been allowed on arrears of this nature.

5. I enclose a Statement which has been prepared in this office, to show what, by my computation, should be the interest on the arrears of compensation due to the Zemindar. This interest, which amounts to Rupees 8,419-2-6, has been calculated at twelve per cent. on the annual amount of compensation due up to the end of Fusly 1273, when the Arrears of Revenue Recovery Act II. of 1864 came into operation. From that time up to the end of the current Fusly 1278, the rate of interest allowed is six per cent.

6. In settling a similar compensation claim in the Arni Jaghire no interest was allowed, but the Jaghiredar has made several earnest remonstrances on the subject, and will, I understand, move for a re-consideration of this part of the settlement. I mention this, as I do not think that any satisfactory arrangement could be effected in the present case, unless this item of the claim be admitted.

ENCLOSURE No. 1.

From F. H. WILKINSON, Esq., Head-Assistant-Collector of North Arcot, to the Collector of North Arcot, dated Ranipett, 15th January 1869, No. 33.

I HAVE the honour to submit the following report on the claim of the Karvetnugger Zemindar to compensation on account of the loss sustained by him in consequence of the Government order, dated 9th February 1861, No. 318, which prohibited the collection of Moturpha in his Zemindary.

2. The three points to be determined are as follow:—

1*st*.—Whether the collection of Moturpha was suspended in consequence of the Government order.

2*nd*.—How long collection was suspended.

3*rd*.—What was the actual loss sustained by the Zemindar.

3. In order to ascertain the first point, I examined the Monigars, Curnums, and certain inhabitants of all the principal places in which Moturpha is collected. The Curnum's Jummahbundy Accounts, the Talook and Huzoor Chittah Accounts for Fuslies 1271, 1272, 1273, 1274, and 1275, were also carefully scrutinized. From these it appears that the collection of Moturpha ceased in the beginning of Fusly 1271. The tax-payers state that it was then proclaimed by beat of tom-tom that, as the Income-tax had been introduced, the collection of Moturpha was suspended, and that from that time they ceased to pay, and that no attempt was made by the Zemindar or his subordinates to collect the Moturpha tax.

4. As regards the second point, the prohibition contained in the previous order was withdrawn by Government order, dated 25th November 1865, No. 2,906, the purport of which was published in the *District Gazette* of the 21st April 1866, that is, in Fusly 1275. Both from the statements of the tax-payers, and the examination of the above-mentioned accounts, it appears that no collections were made for Fusly 1275, but as the prohibition was withdrawn within the Fusly, I presume no indemnity can be allowed for that year. The number of Fuslies, therefore, during which the Zemindar was actually prevented from collecting the Moturpha tax was four, that is, from Fusly 1271 to Fusly 1274, inclusive.

5. We now come to the third point. The Zemindar claims Rupees 33,569-11-1 as compensation for his loss during the above four Fuslies, namely, Fusly 1271 to Fusly 1274, inclusive. This amount he calculates on the average beriz of the five years preceding Fusly 1271. But it is evident that the actual loss sustained by the Zemindar must be calculated on the average *collections* not on the average *demand* of the previous five years. To ascertain the average collections therefore the statement produced by the Zemindar was carefully compared with the original Tandal Accounts of several villages, which accounts were verified by the statements of many persons who had paid the tax during the above period. From these it appears that the actual collection made on account of Moturpha for the five years preceding Fusly 1271, was Rupees 34,443-9-1, at an average of Rupees 6,888-11-5 per annum. This latter sum multiplied by four (the number of years during which the collection was under suspension in consequence of the prohibitory order of Government) gives Rupees 27,554-13-8. To this sum the Zemindar is fairly entitled.

Khat to Mr. Deputy-Collector Hewetson, dated 24th June 1867.
Do. do. 16th May 1868.
Do. to Mr. VansAgnew, Acting Collector, dated 17th May 1868.

6. In the letters noted in the margin, the Zemindar claims interest in addition to compensation. He does not state from what date, nor to what rate of interest he lays claim.

Proceedings of the Madras Government, Revenue Department, 7th October 1869.

As to the former, he is evidently first entitled to interest on the amount due at the end of Fusly 1271, namely, Rupees 6,888-11-5, and he should be allowed the same until his collections were again due, namely, the end of Fusly 1275. As to the latter, since by Act VIII. of 1865, Zemindars are allowed to charge interest on arrears at the rate of twelve per cent. per annum, I am of opinion that this rate should be allowed him for the amounts which accrued during the years the Moturpha tax was under suspension. The amount due at the close of Fusly 1274, together with interest for Fusly 1275, would then be, as shown in the annexed account A., Rupees 36,873-15-11. As the Zemindar did not forward his accounts to the Deputy-Collector until the 24th June 1867, I submit that he can only be allowed interest on the above sum from that date forward, as the previous delay in the disposal of his claim arose from his own negligence. The interest on the above sum at six per cent. (the rate of interest charged by Government on arrears due by Zemindars) from 1st July 1867 to 31st March 1869, is Rupees 3,871-12-3, making in all Rupees 40,745-12-2. Some few collections of Moturpha, amounting in all to Rupees 645-10-10, were made without the knowledge of the Zemindar during Fuslies 1271—1274. This and the interest accruing thereon, amounting, as shown in Enclosure B., to Rupees 1,037-1-5, must be deducted from the above amount. This leaves Rupees 39,708-10-9, as the amount to be paid to the Zemindar.

7. With reference to the delay which has taken place in submitting the present report, I may state that the inquiry had not been commenced when I took charge of the Zemindary tracts on the 1st of October last. Since then I have, by a tour through the Zemindary, conducted the necessary inquiries on the spot, and the remainder of the time has been occupied in comparing and examining the accounts, etc.

ENCLOSURES Nos. 2 to 4.—Statements.

SUBMITTED to Government with reference to Government order, dated 18th July 1866, No. 1,774, and 15th December 1868, No. 3,123.

2. The Collector reports that the Zemindar of Karvetnugger has sustained loss by the promulgation of Government order, dated 9th February 1861, No. 318, that the collection of Moturpha in the Zemindary was suspended almost entirely for four Fuslies, and that the amount of compensation which should be granted, including interest on the loss, is Rupees 35,328-5-4.

3. The inquiry was carefully conducted on the spot by the Head-Assistant-Collector, who adopted the same methods of ascertaining the truth as were followed by the Sub-Collector in the Jaghire of Arni.

4. The average Moturpha collections are taken at Rupees 6,888-11-5 per annum, and it appears that Rupees 645-10-10 was actually collected during the years in which the order of Government for the abolition of Moturpha was in force. The Zemindar states that this was done without his knowledge.

5. The Zemindar claims interest, and the Board do not see how it can be refused. It was not paid when compensation was granted to the Jaghiredar of Arni, but the Collector states that he has remonstrated, and is about to address Government on the subject.

6. The Collector calculates the interest at twelve per cent. up to the beginning of Fusly 1274, when Act II. of 1864 came into force, and at six per cent. afterwards, in accordance with the precedent set in Government order, dated 15th May 1868, No. 1,372.

7. The Board recommend that sanction be granted for the payment of Rupees 35,328-5-4.

Proceedings of the Madras Government, Revenue Department, 7th October 1869.

REFERRED to the Accountant-General for report as to the provision in the Budget from which this charge can be met.

FORT SAINT GEORGE,
1*st October* 1869.

(Signed) R. A. DALYELL,
Acting Secretary to Government.

No. 88. From the Officiating Accountant-General, Madras, to the Acting Secretary to Government, Revenue Department, dated Fort Saint George, 4th October 1869, No. 202.

WITH reference to the docket on the letter herewith returned, I have the honour to state, that the charge therein referred to cannot be met as there are no savings under grant "3—Allowances, Refunds, and Drawbacks." The actuals for the first five months amount to Rupees 1,38,557-0-10, against the Budget grant of Rupees 1,36,000.

No. 89. ORDER THEREON, 7th October 1869, No. 2,744.

Miscellaneous.

THE Government do not understand why the Board of Revenue failed to make the necessary provision for this payment in their Budget-Estimate, as the charge was virtually sanctioned long before its preparation, though the amount was uncertain.

2. Under the circumstances reported, the payment must be deferred until April next.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Bantleman.

No. 94—10-5-69—500.

BUDGET & RESOURCE DEPARTMENT. No. 202

Fort Saint George,
Accountant General's Office,
4th October 1869.

C/D

FROM THE ACCOUNTANT GENERAL,
TO THE GOVERNMENT OF MADRAS,

TO THE *Acting Secretary to Government*
Fort Saint George

SIR,

With reference to the Docket on the letter herewith returned, I have the honor to state that, the charge therein referred to cannot be met as there are no savings under Grant "3 Allowances Refunds and Drawbacks" The Actuals for the first five months amount to Rupees 138,557-11-10 against the Budget Grant of Rupees 136,000—

I have the honor to be,
Sir,
Your obedient Servant,
J. Goodwin
Offg. Accountt. General.

Pd. C. A. Compbell

3 1

Qu. 1869 Department
No 3384
The Right Hon.ble Earl
of Kimberley
&c &c &c
Secretary
of State
for
the Colonies

Entered
Read } October 1869.

No 202.

Enclosures. 4 30
Rec'd 6 Oct

States that there
are no Surveys
to meet the Amount
referred to
Oct 7/46. 4 Oct 1869

S

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c

Further Col 530-1870

Dated October, 7th.

Recd. 1869.

G. O., 7th October 1869, *No.* 2,744.

OCTOBER.

Nos. 87—89.

Moturpha tax in Karvetnugger Zemindary.—Passing orders on the subject of deferring the payment of compensation on account of suspension of its collection until April next.

The Judgment must
be deferred until
April next.

Dft

Left from orders
in Council

Ms Letter B of Rec with 3 Encls Despts
6 — Accepted