M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3049 Press ~~Mis.~~

315-316

Dated 26th November 1869

Not to be folded or roughly handled

Ex
12/2/21

Proceedings of the Madras Government, Revenue Department,
26th November 1869.

No. 315. Read the following Proceedings of the Board of Revenue, dated 16th October 1869, No. 7,703 :—

Read the following letter from the Commissioner of the Neilgherry Hills, to the Acting Secretary to the Board of Revenue, dated Ootacamund, 14th September 1869, No. 132.

As requested I have the honour to forward the accompanying letter to the Board from Captain Jennings stating that it is with difficulty he is enabled to provide working expenses to prevent his estate lapsing into waste, and praying for a reduction or remission of his assessment.

2. Captain Jennings informs the Board that, in opening out an estate of tea and cinchona on 114 acres of land, he has spent Rupees 25,000, out of which Rupees 900 or 3 per cent. represent six years' assessment. On this ground, and because of his inability to provide sufficient funds for future working expenses, he applies to be relieved of assessment.

3. Mere want of success cannot alone form a ground for remission. It is quite out of my power to say whether Captain Jennings has spent the Rupees 25,000 judiciously or otherwise. I have, therefore, no remarks to make upon his request further than to regret that he has hitherto met with such an unfortunate return.

Enclosure No. 1.

From Captain C. J. JENNINGS, Madras Staff Corps, to the Acting Secretary to the Board of Revenue, dated 6th September 1869.

I have the honour to request you will be so good as to lay before the Board of Revenue the following statement.

2. In 1863, under the rules for the sale of waste lands on the Neilgherry Hills, I became the purchaser at public auction of 114 acres of land, and immediately commenced the cultivation of tea and cinchona thereon. Since that time I have paid an annual quit-rent or assessment on the land of Rupees 150, and have expended in the cultivation of the land a sum of Rupees 25,000.

3. The hopes and expectations I had of this cultivation yielding a return within a reasonable time have met with disappointment, nor do I see how long it will be before a profitable result will be gained.

4. In the six years that have elapsed my capital has been expended, and it is with difficulty I am enabled to provide sufficient working expenses to prevent the estate lapsing into a state of waste.

5. Under these circumstances I pray that some relief may be afforded, and that my assessment may be reduced or remitted until such time as the Board of Revenue may deem fit.

Submitted for the consideration and orders of Government.

2. The Board are of opinion that the rule proposed by Government in paragraph 1 of their Order, dated 7th September 1869, No. 2,526, might well be applied in this case with retrospective effect.

3. The Commissioner should, when replying to the Government Order above mentioned, report specially on the case.

4. Meanwhile the Board recommend that the demand of assessment from Captain Jennings be suspended pending the decision of Government with respect to the rules.

Proceedings of the Madras Government, Revenue Department,
26th November 1869.

No. 316. ORDER THEREON, 26th November 1869, No. 3,049.

Land Revenue.

THE Right Honourable the Governor in Council concurs in the view taken by the Commissioner of Captain Jennings' case. He is unable, therefore, to sanction the adoption of the course proposed by the Board of Revenue in the foregoing Proceedings.

(True Extract.)

(Signed) R. A. DALYELL,

Acting Secretary to Government.

To the Board of Revenue.

Exd. A. S. Rodgers.

Revenue Department

Madras

Memorandum for Orders. No. 3121

1. In his letter forwarded with Board's Proceedings dated 15th October 1869, No. 3, Brooke submits an application from Captain Jennings requesting that the Government may be moved to remit the assessment on his land on the Neilgherries.

2. Under orders passed by the Government in G.O. No. 1,000 dated 17th June 1869, "the Board of Revenue may, in the exercise of the discretion vested in them by the rules, suspend the collection of the assessment on any land for a period not exceeding three years, if they are satisfied that the land is waste and unprofitable, and that the expenditure of the ryot and the collection of the assessment would be attended with hardship to the ryot."

3. Captain Jennings' land was granted on the 11th December 1863 under the Waste Land Rules, and the assessment was fixed at Rs. 157 per annum. The land is described as waste and unprofitable, and the Collector reports that the assessment would be attended with hardship to the ryot. The Board recommend that the assessment be suspended for three years.

4. The Commissioner thinks that "mere want of success cannot be a reason for granting [illegible] remission."

Govt. of {1869} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated November, 26th.

Recd. Encl.

G. O., 26th November 1869, No. 3,049.

NOVEMBER.

Nos. 315-316.

Captain Jennings' land on the Neilgherries.—Board's recommendation to suspend the demand for assessment on it, pending a decision with respect to the rules, negatived.

"remission", and is clearly opposed to Captain Jennings' application.

3. The Board are of opinion that "the rule proposed by Government "in para 1 of their order dated 7th "September 1869. No. 2526 might "well be applied in this case "with retrospective action" and they "recommend that the de- "mand of assessment from Cap- "tain Jennings be suspended, "pending the decision of Govern- "ment with respect to the rules".

4. In the Order referred to by the Board, which was passed in the matter of a memorial from the Wynaad planters, the Govern- ment while reserving their fi- nal decision stated that they were disposed to make no de- mand for quit rent on estates taken up under the waste land rules in the Wynaad and on the Neilgherries and Sherve- roys until the close of the fourth year of possession.

5. It is difficult to appreciate the

I would simply
to obliterate
interpolated orders
cannot be retrospective

regarding the Govt
Nº

The Board of Rev: seem to be disinclined to lightly concede an indulgence of this kind. We have, no doubt, had cases where exception- al indulgence & exemption or reduction were a necessity: but in the instance of Captain Jennings we have only his own bare assertion that his speculation has not been a success. — If he cannot further carry on he must sell. working on at an annual loss must end in disaster.

The rule of the 7th inst. will no doubt say may well be applied to Capt Jennings case, if applicable such, but how far it may. — His land has been under possession for more than six years — while the 7th rule adopted by the 7th inst. upon which should be done after a fourth year of possession, no claim

for quit-rent being made for the first three years. — Therein Jennings' case, how long has elapsed since he has had the first rent. — If he is not what he asks he will have to expend all the planters on the Hill-list to expend retrospectively for the 4th year, which seems to be simply preposterous — & have no reason, have a right to withhold it. — It might be estimated & Capt Jennings that if the consideration of the tax on Land and the exemption of the general subject, the result in a reduction of the amt per acre hitherto paid by him, he shall have the benefit of the reduction from the date of the G.O. in the matter of 7th inst. but more than this he does not ask for him

Judging from this & other communications I have received by him, I am in the village would be disposed to dispose of his property & depart. This for further application 18th Nov 69 is not in pursuance.

the position taken by the Board in the case under con- sideration. On the strength of an unsupported and unsupported assertion by a planter they recommend that his request be granted at a loss to Government of some 600 Rs and a most in- convenient precedent thereby created. It seems hardly too much to say that, if the principle of "retrospective action" were ad- mitted, and the course recom- mended by the Board followed, three-fourths of the planters in the Presidency might with equal justice receive remission of assessment for the next four years — certainly, if their own estimate of their losses was ac- cepted and acted upon in the case of an opinion expressed by the local officer of Government. In Pro- ceedings of Government dated 8th September 1869, the Government sanctioned the suspension of collection of the arrears of quit rent

rent due by Captain Richardson and Lieut. R. F. Phillips pending the reply to G.O. dated 7th September 1869. But these cases had been stated by the Commissioners as they were fraught with especial hardship. And doubtless many such claims will now be preferred.

6. It is therefore suggested that Captain Jennings' claims be not entertained unless he satisfies the Commissioners that his losses are considerable and that they are due to causes over which he could exercise no control.

Re

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No 2487

H.-3049.

26th Nov. 1869.

The Rt Hon.ble the Govr in Council concurs in the views taken by the Commissioner of Dk. Captain Jennings's case. He is unable therefore to sanction the adoption of the course proposed by the Board of Revenue in the foregoing Proc.gs

N.

Ag A.

16 Folio B of Rev Dep.t No 29

No. 8,553.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 19th November 1869.

Read the following letter from G. BANBURY, Esq., Collector of Trichinopoly, to the Acting Secretary to the Board of Revenue, dated 20th September 1869, No. 224:—

I HAVE the honour to submit the accompanying Budget of Receipts and Charges on account of the Local Funds of this district for the ensuing official year 1870-71.

2. Agreeably to the Board's instructions communicated in their Official Memorandum, Nos. 6,352 and 6,352A, dated 24th August and 2nd September 1869, Parts I. and II. were prepared in consultation with the Superintending Engineer, and countersigned by that officer.

3. In Part I., no new works have been inserted, but the most important lines already undertaken and almost completed have been provided for.

4. In Part II., the length of each line has been given, and the repairs therein provided for are of an ordinary nature, requiring gravelling, closing breaches by earth, and turfing.

5. The District Map is herewith returned as required.

P.S.—The details of the Jungle Conservancy as regards the Department Public Works not having as yet been received from Superintending Engineer, this portion of the Budget will be subsequently submitted as soon as above details are received from Captain Oakes.

ENCLOSURES Nos. 1 and 2.—Parts I. and II. of Budget.

ENCLOSURES Nos. 3 and 4.—Abstract Statements.

ENCLOSURE No. 5.—Map.

THE District Road Fund Budget for 1870-71, received with the foregoing letter, is submitted for the approval of Government, with reference to paragraph 1 of their Order, dated 16th March

Part I. of the Budget contains three works, with an aggregate allotment of Rupees 13,400. All of them are sanctioned works, brought forward from the Original Budget of the current official year (1869-70.)

3. Part II. contains 22 Repair works, with a total allotment of Rupees 40,540 and a provision of Rupees 430 on account of Petty Repairs. None of these appear to call for remark, except Items Nos. 1, 2, and 4, the maintenance grants for which are in excess of the maximum rate of 100 rupees per mile, allowed for the up-keep of important Local roads. The Collector should have furnished some explanation regarding these allowances. He is requested to do so now. Pending the receipt of the explanation, the allotments will remain undisturbed.

4. It will be observed from the Abstract of Receipts and Charges, that the available assets of the fund are Rupees 73,770.

5. Under the head "Expenditure proposed," the allotment for the Travelling allowance to Local Fund Overseers and Maistries is given as Rupees 1,020, instead of Rupees 1,200 the amount sanctioned. The correct sum has been inserted.

6. No provision is made for the Contingent Charges of the Public Works Department. The amount sanctioned for each district is Rupees 200, which has been added.

7. The estimated cost of Public Works Supervision is reduced from Rs. 5,200 to Rs. 4,820, to bring the proposed expenditure within the available assets.

8. With the aforesaid additions and deductions, the total proposed expenditure amounts to Rupees 73,770, leaving no balance.

(A true Copy and Extract.)

Sub-Secretary.

To the Acting Secretary to Government, Revenue Department,
with copy of Collector's letter, and Parts I. and II., 2 Abstracts, and a Map.

Copy to the Collector of Trichinopoly.
,, to the Superintending Engineer, 6th Division.

Exd. G. A. Turton.

3045

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1869.

Board of Revenue.

MADRAS.

PROCEEDINGS, 19TH NOVEMBER 1869 No. 8,553.

Rec'd 19th Nov 1869. Encl.

Received

25-11-1869

3045

NOVEMBER
No. 8,553.

District Road Fund Budget—of Trichinopoly for 1870-71, reviewed, and submitted for approval of Government.

From 25 Nov 1869 to 307

Revenue Department.

No

Proceedings of the Board of Revenue -
dated 19th November 1869

Read letter from the Collector of Trichinopoly
dated 20th September 1869 No 224.

The District Road Fund Budgets for 1870-71, received with the foregoing letter, is submitted for the approval of Government with reference to para 1 of their Order dated 16th March 1869 No 711.

2. Part I of the Budgets contains 3 works with an aggregate allotment of Rupees 13,400 - All of them are sanctioned works, brought forward from the Original Budgets of the Current Official year (1869-70)

3. Part II contains 22 Repairs works with a total allotment of Rupees 40,540 and a provision of Rupees 430, on account of Petty repairs - None of these appear to call for remark except Items Nos 1, 3, 9, 11, and 21, which are in excess of the maximum rate of 100 Rupees per mile allowed for the upkeep of important Local roads - The Collector should have furnished some explanation regarding these allowances - He is requested to do so now.

Pending -

Pending the receipt of the explanation, the allotments will remain undisturbed.

4. It will be observed from the Abstract of Receipts and Charges that the available assets of the Fund are Rupees 73,770.

5. Under the head "Expenditure proposed," the allotment for the Travelling allowance to Local Fund Overseers and Maistries is given as Rs 1020, instead of Rupees 1200, the amount sanctioned. The correct sum has been inserted.

6. No provision is made for the Contingent charges of the Public Works Department. The amount sanctioned for each District is — Rupees 200, which has been added.

7. The estimated cost of Public Works supervision is reduced from Rs 5200 to Rupees 4,820 to bring the proposed expenditure within the available assets.

8. With the aforesaid additions and deductions, the total proposed expenditure amounts to Rs 73,770, leaving no balance.

(True Extract)

J Grote
Sub-Secretary

To
The Asst Secretary to Government
Revenue Department
with Copy of Collectors letter, & Parts I & II, 2 Abstracts and a Map —

G. Haughton
Asst Commissioner Salt