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*Proceedings of the Madras Government, Revenue Department,
22nd June 1871.*

No. 267. Read the following Proceedings of the Board of Revenue, dated 3rd June 1871, No. 2,253 :—

Read the following letter from C. T. LONGLEY, Esq., Collector of Salem, to the Acting Secretary to the Board of Revenue, dated Tripatore, 11th March 1871, No. 716.

With reference to my letter, No. 219, of the 7th November last, I have the honour to enclose, for the Board's information, a copy of the decision passed by the Civil Court of Salem on the claims preferred by the Jaghiredars of Ammapolliem.

2. From paragraph 8 of the statement (enclosed), which I submitted to the Civil Court, with my reference, under Section 18 of Act X. of 1870, it will be seen that the sum awarded by me to the Jaghiredars comprises four items, of which two (2 and 3) have not been contested.

3. Of the remaining two items the first is the assessment due on the lands for fourteen years, or from Fusly 1266 to 1279. The sum offered by me under this head was Rs. 658-7-0, or Rs. 47-0-6 per annum, this being the amount *actually collected by the Jaghiredars at the time the lands were taken up*. But the Court held that the Jaghiredars were entitled to the full *Fysul* assessment, which the Jaghiredars had never collected, and accordingly awarded Rs. 1,479-11-2 at Rs. 105-11-1 per annum. One of the assessors having agreed with the Judge in this award, there is unfortunately no appeal against the decision.

4. The last item is the value of the land. My award was Rs. 50 an acre, and this the Court confirmed.

5. Next is the amount of costs awarded by the Court, namely, Rs. 65-6-4. The Court held that the costs should be borne by the Collector on the ground that the total amount exceeds the amount tendered by the Collector. I take leave to doubt the correctness of this argument. I am inclined to think that in awarding costs under Section 33 of the Act, each item ought to be considered *separately*. In the present case, of the two disputed items, one was settled in favour of Government, and the other in favour of the Jaghiredars. Turning to the table of costs annexed to the decision, I find that the Vakeel's fees, namely, Rs. 43-6-4, has been calculated on the *difference between Rs. 658-7-0, the sum offered by me, and Rs. 1,479-11-2, the amount claimed by the Jaghiredars and awarded by the Court*. I consider, then, Government are entitled to costs calculated on the *difference between Rs. 13,182-13-0, at Rs. 500 an acre (the sum claimed by the Jaghiredars), and Rs. 1,318-4-6, the amount awarded by me and confirmed by the Court*. If the Board take the same view as I have done, I wish to be favoured with instructions as to how I am to proceed in the matter.

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6. In conclusion, I request that the Board will be pleased to obtain the sanction of Government for the payment of Rs. 3,538-6-0, as shown below:—

1. Assessment for fourteen years, or from Fusly 1266 to 1279, at Rs. 105-11-1 per annum ...	Rs.	A.	P.
2. Value of the land at Rs. 50 an acre ...	1,479	11	2
3. Compensation for a tank and bamboo bush ...	1,318	4	6
4. Twenty-five years purchase of 141 palmyra trees, at Rs. 10 per annum ...	425	0	0
	250	0	0
5. Costs awarded by the Court ...	3,472	15	8
	65	6	4
	3,538	6	0

ENCLOSURE No. 1.—Copy of Civil Court's decision.

ENCLOSURE No. 2.—Copy of statement submitted to Civil Court.

SUBMITTED for the information of Government.

2. In their Order, dated 25th October 1867, No. 2,513, Government sanctioned payment of Rs. 3,317-5-1 to the Ammapollam Jaghiredar, as compensation for land, etc., taken up for railway purposes with interest at the rate of 6 per cent. per annum from the date of acquisition to that of payment. This amount was composed of the following items:—

Assessment on land, Rs. 105-11-1 × 25 =	Rs. 2,642-5-1
Rent on palmyra trees Rs. 10-0-0 × 25 =	250-0-0
Value of tank and bamboo bushes	425-0-0

3. The Jaghiredar having petitioned Government complaining that the money-compensation was insufficient, and asking for land, Government called for further information, and directed that Government Order dated 25th October 1867 should be held in abeyance.

4. From the Collector's report it appeared that the extent of land taken up was acres 26-14-10, bearing an assessment of Rs. 105-11-1 at the "Fysul" rate, of which acres 22-36-3 had been held by tenants on an annual rent of Rs. 47-0-6 when the land was taken up, the remainder being unoccupied waste.

5. As Government Order dated 25th October 1867 was based on the assumption that the land in question yielded the Jaghiredar a current revenue of Rs. 105-11-1, Government cancelled* it, and directed the Collector to take steps to settle the question of compensation for the land on the principles laid down in Section 10 *et seq.* of Act VI. of 1857. They, at the same time, sanctioned the immediate payment of Rs. 1,145-5-0, namely:—

Assessment for ten Fuslies (1266 to 1275), at Rs. 47-0-6 per annum ...	Rs.	A.	P.
Twenty-five years purchase of palmyra trees, yielding Rs. 10 a-year...	470	5	0
Compensation for tank and bamboo bushes ...	250	0	0
	42	0	0

* G. O., dated 12th November 1869, No. 2,951.

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Subsequently,† sanction was accorded for a further payment of Rs. 188-2-0, assessment for four Fuslies (1276 to 1279), and intimation was given to the Jaghiredar that no further payment on account of annual assessment would be sanctioned unless the settlement of his claim was delayed from causes beyond his control.

6. The Jaghiredar having failed to appear before the Collector as required, the latter referred the matter for the determination of the Civil Court under Act X. of 1870.

The following items of compensation were tendered by the Collector:—

1. Assessment for 14 Fuslies, 1276 to 1279, at Rs. 47-0-6 a-year ...	Rs.	A.	P.
2. Compensation for tank and bamboo bushes.	658	7	0
3. Twenty-five years purchase of palmyra trees ...	425	0	0
4. Value of land, at Rs. 50 an acre ...	250	0	0
	1,318	4	6

7. Items 2 and 3 were not contested. Item 4 has been confirmed by the Court. As regards the first item the Judge and one of the assessors being of opinion that the calculation should be based on the "Fysul" rate of assessment, and not on the actual receipts, the Court awarded Rs. 1,479-11-2, being the assessment for 14 years (Fuslies 1276 to 1279), at the rate of Rs. 105-11-1 per annum. Against this decision there is no appeal. The Court has declined to allow interest or percentage as claimed by the Jaghiredar. As the total amount awarded exceeds that tendered by the Collector, the Court has directed that the costs be borne by the Collector. Mr. Longley questions the propriety of the Court's decision as regards costs, but the Board are of opinion that it is in accordance with Section 33 of the Act.

8. The sanction of Government is solicited for the payment of Rs. 3,538-6-0, the amount awarded by the Court, including costs, Rs. 65-6-4.

No. 268.

ORDER THEREON, 22nd June 1871, No. 1,099.

Miscellaneous.

The payment of the sum awarded, plus the costs, or Rs. 3,538-6-0 in all, is sanctioned.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Acting Secretary to Government.

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

Exd. F. R. Bantleman.

October/67-1891-8
22 November/69-118-9
July 70-11-18
July 71-82-3

Ref

Rev. 1871. Of part
Board of Revenue,
MADRAS. 1912

PROCEEDINGS, 3RD JUNE 1871, No. 2,253.

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Received. 15th.

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JUNE.
No. 2,253.

Compensation—for land, &c., in Ammapolliem
Jaghire in Salem District, taken up for Rail-
way purposes in 1858.—Sanction of Govern-
ment requested for Rupees 3,538-6-0, amount
awarded by Civil Court to be paid to Jaghire-
dar as,

1099
The payment of the damage
awarded, plus the costs, on
Rs 3538-6-0. mull, is sanctioned

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14 June/71 1891