Proceedings of the Madras Government, Revenue Department,
27th October 1873.

No. 297. Read the following petition from ALLYBHOY ASSER, Salt Merchant, Khoja Gullee House, No. 22, Bombay, to His Excellency the Right Honourable the Governor in Council, Madras, dated Bombay, 8th September 1873:—

MOST HUMBLY SHEWETH,

Your petitioner most respectfully crave before your Excellency in Council, and request the favour of your transmitting the accompanying memorial to His Grace the Duke of Argyll, K.T., Her Majesty's Principal Secretary of State for India in Council, for favourable consideration and disposal, with your kind recommendation; by your complying with this humble request, your petitioner, as in duty bound, shall ever pray.

ENCLOSURE No. 1.

From ALLYBHOY ASSER, Salt Merchant, residing at Khoja Gullee House, No. 22, Bombay, to His Grace the DUKE of ARGYLL, K.T., Her Majesty's Principal Secretary of State for India in Council, dated Bombay, 8th September 1873.

MOST RESPECTFULLY SHEWETH,

That your memorialist after due deliberation most respectfully take the liberty of laying before your Grace the following few lines in hope of obtaining due justice and redress.

2. The subject-matter of this memorial is that your memorialist demand from the Madras Government a claim to a refund of 5 Annas the difference of Excise-duty rates between Rs. 1-8-0 and Rs. 1-13-0 on each Indian maund of salt on 6,293 Indian maunds salt supplied by your memorialist to the Malabar Collector, with whom the contract had been executed in the month of September 1869, through M. Koyajir for Custoorchund Roopchund, contractor, by Tokertadayal Syed Ahmed Dulall of Calicut.

3. At the time of executing the contract, the Excise-duty on salt was Rs. 1-8-0 per one Indian maund, and the said Excise-duty was increased to Rs. 1-13-0 on 4th October 1869, *vide* Section 2 of Act XXIV. of 1869, by an order issued by the Government of India.

4. The contract was executed in September, and the Excise-duty increased in October 1869, and hence the difference of 5 Annas on each Indian maund.

5. According to the Excise-duty increased to Rs. 1-13-0 per Indian maund, your memorialist was obliged, agreeably to the Act XXIV. put into force, to execute bonds at Bombay Custom-house at Rs. 1-13-0 to supply salt to the Malabar Collector according to the contract. The contract was at Rs. 1-8-0 per Indian maund when executed.

6. Your memorialist had presented an application, herewith enclosed, dated the 3rd May 1871, for the refund of the difference of 5 Annas on each Indian Maund on 6,293 Indian maunds salt to the Commissioner of Customs, Bombay. The reply from the Commissioner, No. 1,850, dated 1st June 1871, herewith submitted, refusing to grant the same on account of bonds were executed at Rs. 1-13-0 per Indian maund at the Bombay Custom-house, or else the bonds cannot be accepted by the Commissioner owing to the Act in force, the contract to supply salt was with the Malabar Collector, therefore the Commissioner cannot comply with your memorialist's request is true, the Bombay authorities has nothing to do with the contract, and the said subject-matter rests with the jurisdiction of the Madras Government.

7. That your memorialist had presented a petition, herewith enclosed, on the 23rd October 1871, to the Collector of Malabar, regarding the said claim; the Collector, in his accompanying reply, dated the 10th November 1871, states in the last paragraph: "Petitioner has been remitted such portion of the forfeited deposit as related to salt for which he could satisfactorily account, and no further concession appears called for."

8. What all these troubles to your memorialist for further concession. Is this nothing called for.

9. Your memorialist bring to your Grace's notice regarding the above remark by the Collector of Malabar, that the Madras Government had admitted the difference of 5 Annas per each Indian maund on 872 Indian maunds of salt as per letter, No. 1,432, dated 21st August 1871, to the Bombay Government, and the Bombay Government had allowed your memorialist's deposit according to the instruction from the Madras Government the difference of 5 Annas per one Indian maund was allowed on 872 Indian maunds, then why not on 6,293 Indian maunds of salt is allowed to your memorialist? Portion is granted, then on that quantity of salt must be granted too. These being a commercial transaction and on the confidence and faith, the commercial transactions are carried on, payment for the portion of salt was made and to evade for the other portion is not to be tolerated, then the mercantile community will think that this is not the fair transaction.

10. Your memorialist had presented two petitions, herewith enclosed, to the Madras Government on the 29th December 1871 and 5th October 1872, respectively, regarding the said subject-matter. The accompanying replies, Nos. 80 and 1,655, dated 10th May and 28th October 1872, from which it will be perceived that "petitioner is referred to the Collector's endorsement" and "the petitioner's claim to a refund of 5 Annas per Indian maund on 6,293 maunds is wholly inadmissible," the claim which has been fairly established is inadmissible without any reason assigned thereto, by the Madras Government, as one of the English Journal had quoted two lines from the Poem :—

"Convince a man against his will,
He's of the same opinion still."

Having exemplified every reason in favour of this case, but sorry to say that no compliance was given to the request of your memorialist.

11. Your memorialist had presented a petition, on the 2nd December 1872, to the Government of India on the said subject; the Government of India declines to interfere, as it will be perceived from the accompanying reply, No. 43, dated 21st July 1873. This the policy of the Government of India is adopted in any respect not to interfere, and hence this appeal to your Grace.

12. Your memorialist crave before your Grace with a view that the difference of Excise-duty at 5 Annas had been granted on 872 Indian maunds of salt by the Madras Government: therefore, order that the difference of 5 Annas on each Indian maund may be granted to your memorialist on 6,293 Indian maunds by the Madras Government, a fair justice may be given to your memorialist by your Grace in disposing of this case in question, for which act of justice and redress your petitioner, as in duty bound, shall ever pay.

No. 298.

ORDER THEREON, 27th October 1873, No. 1,200.

Miscellaneous.

PETITIONER will be informed that his memorial has been received, and will be transmitted to the Secretary of State.

(True Extract.)

(Signed) J. STURROCK,
Acting Under-Secretary to Government.

Exd. F. R. Bantleman.

2266
17 Encl
18-1-74

To

His Excellency the Right Honble
the Governor in Council
Madras.

The humble petition of
Allybhoy Asser, Jute merchant
residing at Khoja Gulleé House
No 22. Bombay.

Most humbly Sheweth.

Your petitioner most respectfully crave before Your Excellency's in Council and request the favor of your transmitting the accompanying Memorial to His Grace the Duke of Argyll K.T. Her Majesty's Principal Secretary of State for India in Council for favorable Consideration and disposal with Your kind recommendation, by your Complying with this humble request. Your petitioner as in duty bound shall ever pray.

Bombay
8 September 1873.

Allybhoy Asser

Rec'd 1873 Sept
No 3280.

Government of Madras,

Revenue DEPARTMENT.

Petition No. 2266 of 1873.

From Ally bhoy Assen
G.O. No. 1200 - 27 Oct

Occupation. Salt merchant residing at

Village. Khoja Gulley House No 22,

Talook. Bombay.

District.

Dated 8th September 1873.

Received 16th 17 Octr 73 Enclosures. 17.

Abstract.

Requests the transmission, to the Secretary of State, of the enclosed Memorial, praying for the grant of a remission of duty on 6293 Indian Maunds of Salt, at Annas 5 per maund.

Referred to the Secty of State
No 1873
Sept Rev

No 1200

Petitioner requests that his Memorial addressed to the Secretary of State may be transmitted to the Secretary of State (Home Dept) for the Secretary of State's orders thereon.

27 October 1873

Maunds 6293

4th Oct 1873 - C. 21 Oct 24 Oct