1207

Proceedings of the Madras Government, Revenue Department, 28th October 1873.

No. 312. Read the following Proceedings of the Board of Revenue, dated 1st October 1873, No. 1,993 :—

Read the following letter from H. S. THOMAS, Esq., Collector of South Canara, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Mangalore, 17th September 1873, No. 1,585 :—

WITH reference to the Board's Proceedings, dated 19th December 1872, No. 2,412, I have the honour to address them again.

2. The commutations of tasdiks or pagoda allowances into assignments of land-revenue were carried into effect in this district from fasli 1279, as sanctioned by Government in their order noted in the margin.

Dated 7th August 1869, No. 2,288.

3. Since then complaints, both verbal and written, against the unsatisfactory results of the commutation-system have been numerous. The trustees of the Devastans and the land-holders alike complain against it. The former dislike it on the ground of the difficulties of obtaining payments as regularly, and with as much facility as was the case when they used to draw from Government treasuries. The wurgdars (land-holders) object to it also. The majority of the complaints are from the trustees, whose general complaint is want of authority to proceed legally against the land-holders who withhold payments.

4. While transferring to the pagoda trustees all the interest which the Govern-

G. O., dated 2nd July 1863, No. 1,166, in Standing Circular No. 83-63.

[illegible] been under contemplation to vest them with power of summarily proceeding against defaulters; and it was hoped that the new Act VIII. of 1865 (Rent Recovery Act), then only a Bill before the Madras Legislative Council, would provide for such cases. It, in fact, now authorizes the Inamders as well as land-holders to proceed thereunder. But the trustees in question are neither Inamdars nor do they answer the definition of land-holders, and hence this general and legal incapacity stands in their way to exact payments by having the support of law. The wurgdars, who are prefectly alive to the fact of the legal incapacity of the assignees of the assessment on their lands, are the more emboldened to refuse to pay, or to put off payments by the more polite formality of promises.

5. There is but one other way by which the trustees can proceed against defaulting land-holders, and that is, by recourse to a law suit. But it must be remembered that the right of the trustees to obtain tasdiks still, as hitherto, with[illegible]rthy of consideration. They delay, the vex[illegible]e incommensurate with the benefit they are entitled to derive, and quite unintended by Government. The percentage allowed for collection is just sufficient to cover the cost of a stamp-paper, while process and Vakil fees and such like costs have to be personally defrayed by the trustees themselves, or from their Temple Funds. In addition to this, a favourable result in every suit [illegible] be anticipated, technicalities being sometimes sufficient to cause a case to miscarry in Courts. I would, therefore, deprecate driving the trustees to the necessity of hazardous and expensive law suits. These facts indicate the justice of laying open to the trustees a summary way of procedure

6. The Board perceived this necessity more than a year ago, and represented* it to Government, but no action having apparently been yet taken thereon, it seems right that attention should be drawn to the fact that the complaints are increasing.

* Board's Proceedings, dated 4th July 1872, No. 1,205.

7. The commutations are not general throughout the Presidency, but every partial. Temples in many other districts are still comfortably in receipt of ready money-payments direct from the Government treasuries. The trustees, in those places are not subjected to any of the difficulties above mentioned. While such are the indulgences in other places, there is no equality in trustees in South Canara being placed at such disadvantage.

8. Not anticipating that the legislative relief suggested by the Board† will be quick in coming, I would respectfully beg the Board's *ad interim* sanction for my undertaking, on behalf of the trustees, to collect the assigned amounts from defaulting wurgdars who may clearly stand proved to have withheld payments for six months or more, notwithstanding due vigilance used by the trustees; warning the trustees at the same time that if I so aid them, they will have to forego their ten per cent. collection allowance.

† Board's Proceedings, dated 4th July 1872, No. 1,205.

9. On this principle, I would only deal with individual applications, leaving those who can levy for themselves to continue to do so.

10. The Board, I hope, will concur with me in thinking that this course is harmless.

11. To this amount of *ad interim* aid they seem to have a fair claim.

The Collector will see from G. O., dated 11th August 1873, No. 829, that there is prospect of a speedy way out of these difficulties by resumption of cash-payments. Should this prospect fail, the matter should be again brought to notice. The course proposed by the Collector involves the cancellation of the commutations, and this is the point upon which orders are awaited.

2. This letter will also be submitted for the information of Government.

No. 313. Order thereon, 28th October 1873, No. 1,207.

Miscellaneous.

Ordered to be recorded.

(True Extract.)

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

To the Board of Revenue.

Exd. F. R. Bamleman.

G.O. 2 July 1873 No. 31. 32
" 7 Aug. 1873 - 32 - 34
" 5 March 1873 - 32 - 34
" 11 Aug. 1873 - 63 - 64

Revenue 1873 Dept.
No. 3205.

1873.

Board of Revenue,

MADRAS.

PROCEEDINGS, 1ST OCTOBER 1873, No. 1,993.

Dup. 8 Oct. 1873.
Encl.

Received 10th Oct. 1873

OCTOBER.

No. 1,993.

Commutation of Pagoda Allowances—into assignments of land-revenue.—Collector of South Canara informed that there is a prospect of the difficulties resulting from—being removed by resumption of cash-payments. His letter representing these difficulties submitted to Government.

Pt. of Rev. dep. & hr

No. 1207
Recorded

2. This letter will also be submitted for the information of Government.

(A true Copy and Extract.)

H Clarke
Acting Secretary.

To the Acting Secretary to Government, Revenue Department.
" the Collector of South Canara.

Exd. F. R. Bantleman,