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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	19420	Press
B.P. No.		Mis.
Dated	3. 1. 1977	196

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
3rd January 1877.*

Read the following papers:—

No. 33. From Major T. G. CLARKE, Officiating Secretary to the Chief Commissioner of Mysore, to the Hon. W. HUDLESTON, Chief Secretary to the Government of Fort St. George, Madras, dated Bangalore, 23th November 1876, No. 8,866/G-32.

I AM desired by the Chief Commissioner to forward, for the information of His Grace the Governor in Council, the accompanying copy of Proceedings, No. 8,211/G-167, of 16th November 1876, on the subject of the aid to be rendered by the officers of the Mysore Administration in recovering arrears of revenue due by persons holding lands, &c., in the Madras Presidency and residing in this Province.

ENCLOSURE No. 1.

From the Officiating Secretary to the Chief Commissioner of Mysore, to the Superintendent, Nundydroog Division, No. 1,364—Revenue 33, dated 8th June 1870.

With reference to your letter, No. 921—36, of the 31st ultimo, I am directed to forward, for

1. To the Madras Government, No. 5,452—32, dated 21st January 1869, and of its enclosures.
2. From Madras Government, No. 507—769, dated 18th March 1869.

your information, the accompanying copy of the correspondence which passed between this office and the Madras Government on the subject of the aid to be rendered by the officers

of that Government to the Mysore authorities in distraining property for arrears of rent of defaulters resident in British territory, and to observe that it seems doubtful whether the order for reciprocity of action in this respect would be sustained by the Madras Courts in the event of an appeal to them against an attempt to enforce it in the case of an absconded revenue defaulter from Mysore. Colonel Meade remarks that the arrangement will at all events cease when the Native Government is restored, it being distinctly at variance with the orders of the late Court of Directors on the point.

Extract from a letter from the Honorable the Court of Directors, No. 2, dated 12th February 1834.

Paragraph 35. We agree with the Governor-General that, while the inclination of Government will be to avoid either demanding fugitive

71 and 145 to 147 of 20th August 1831, No. 14, concerning the surrender of revenue defaulters

defaulters or surrendering them on the demand of neighbouring chiefs, there is no necessity to

make any declaration that shall pledge Government on all occasions.

36. In the exercise, however, of the discretion you reserve to yourselves of determining each case on its individual merits, you will not fail to bear in mind these general considerations. That it is next to impossible to ascertain whether persons who are claimed as revenue defaulters by other States have fled from a just or from an unjust demand. That it would be seldom advisable to claim from independent Princes the delivery of fugitives from our own territories, unless you were prepared to attend to similar requisitions on their part. That the evil of such emigrations is one to which a Government is liable nearly in proportion to the badness of its administration, and is in the Native States of India one of the principal correctives of over-exaction by the Officers of Government, while the resort of these emigrants to a well-governed district is one of the beneficial consequences of a good revenue administration. As Mr. Fraser observes, "if our revenue be properly assessed, we shall have certainly very few defaulters." The general rule should be neither to surrender the defaulters of other States nor to demand the surrender of our own. The contrary practice should be the exception and should be confined to special cases.

(True Extract.)

(Signed) A. CLARKE,
Officiating Secretary.

*Proceedings of the Madras Government, Revenue Department,
3rd January 1877.*

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36. In the exercise, however, of the discretion you reserve to yourselves of determining each case on its individual merits, you will not fail to bear in mind these general considerations. That it is next to impossible to ascertain whether persons who are claimed as revenue defaulters by other States have fled from a just or from an unjust demand. That it would be seldom advisable to claim from independent Princes the delivery of fugitives from our own territories, unless you were prepared to attend to similar requisitions on their part. That the evil of such emigrations is one to which a Government is liable nearly in proportion to the badness of its administration, and is in the Native States of India one of the principal correctives of over-exaction by the Officers of Government, while the resort of these emigrants to a well-governed district is one of the beneficial consequences of a good revenue administration. As Mr. Fraser observes, "if our revenue be properly assessed, we shall have certainly very few defaulters." The general rule should be neither to surrender the defaulters of other States nor to demand the surrender of our own. The contrary practice should be the exception and should be confined to special cases.

(True Extract.)

(Signed) A. CLARKE,
Officiating Secretary.

ENCLOSURE No. 2.

From the Commissioner, Ashtagram Division, to the Officiating Secretary to the Chief Commissioner of Mysore, General Department, General No. 442—Financial 125, dated Camp Nanjangud, 11th October 1876.

With reference to your docket, No. 5,640—Financial 73, dated 8th ultimo, forwarding for my disposal an application, dated 2nd idem, No. 378, from the Collector of the Chingleput District, for the collection of arrears of land revenue due by the Assistant Commissioner Mr. Shanmugavelu Pille on account of lands held by him in the Chingleput District. I have the honor to represent that in my opinion arrears of revenue accruing in the Madras Presidency are not legally recoverable in this Province, and I have considerable doubts whether the Madras Government would entertain similar applications for the recovery of arrears of revenue due by a resident of this Province.

The application has however been sent to Mr. Shanmugavelu Pille for his information.

No. 8211—GENL. 167, DATED BANGALORE, 16TH NOVEMBER 1876.

ORDER THEREON.—The Chief Commissioner observes that it may be assumed as indisputable that, in the absence of any agreement between the Government of Madras and this State, by which reciprocity of action is secured, no proceedings can be taken by the latter on application to enforce a demand for recovery of arrears of revenue due to the former. Such a course by distraint of the defaulter's property or otherwise would be clearly illegal, and, as remarked by Sir Richard Meade in this office letter, No. 1364—23,* dated 8th June 1870, to the address of the Superintendent of Nundydroog Division, contrary to the spirit of the instructions of the Court of Directors in their despatch, dated 12th February 1834, No. 2.*

2. It is at the same time desirable that all reasonable aid should be given to the Collectors of the Madras Districts adjoining, in serving notices of such demands on persons residing in this Province, and, where the defaulters are officials employed under this administration, as in the case under present reference, in requesting them to comply with such demands when justly claimable.

(Signed) T. CLARKE,
Offg. Secretary.

No. 204.

The Collector of Chingleput is requested to furnish copy of his letter to the Chief Commissioner, Mysore, No. 378, dated 2nd September last, regarding the arrears due by Mr. Shanmugavelu Pillai.

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

4th December 1876.

No. 34. From R. W. BARLOW, Esq., Collector of the Chingleput District, to the Hon. D. F. CARMICHAEL, Secretary to Government, Revenue Department, Madras, dated Saidapet, 5th December 1876, No. 127.

With reference to your Official Memorandum of the 4th instant, No. 204, I have the honor to forward copy of my letter to the Secretary to the Chief Commissioner, Mysore, dated 2nd September last, No. 378, regarding the collection of the arrears of revenue due by Shanmugavelu Pillai.

* Copies annexed.

No. 35. ORDER THEREON, 3rd January 1877, No. 19.

Miscellaneous.

The Government observe that it was an error on the Collector's part to transmit the notice under the Madras Act for the recovery of revenue, the Act having of course no effect in the Mysore territory.

2. The Chief Commissioner's resolution "to give all reasonable aid to Madras Collectors in serving notice of such demands on persons residing within his jurisdiction, and, where the defaulters are officials, in requesting them to comply with such demands when justly claimable," will be communicated to the Board of Revenue for the information of Collectors.

Ordered that the following be despatched:—

(Here enter 3rd January 1877, No. 20.)

(True Extract.)

Acting Secretary to Government.

To the Board of Revenue.

REVENUE DEPARTMENT,
FORT ST. GEORGE,
3rd January 1877.

No. 33.

No. 20.

To

THE CHIEF COMMISSIONER OF MYSORE.

Miscellaneous.

SIR,—In acknowledging your Secretary's
letter of 28th November 1876, No. 8,866/G-32.

I am directed to furnish you with copy of
the Proceedings of this Government of this date, No. 19, and to state that the
assistance offered by you in cases where revenue defaulters reside in Mysore
territory is all that can be reasonably asked for at your hands.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) J. H. GARSTIN,

Acting Secretary to Government.

Ed. J. W. Fischer.

Collector

No. 378.

Chingleput District, Collector's Office,
Saidapet, 2 Sept. 1876.

From,

THE COLLECTOR OF
CHINGLEPUT DISTRICT.

To

THE COLLECTOR OF *Secretary to the Chief Commr.*
Mysore.

Sir,

I have the honor to request, under the provisions of Section 57 Madras Act II of 1864, that you will be good enough to cause the arrears detailed in the subjoined statement to be realized and remitted to me at your early convenience.

Name of Defaulter.	Present Residence.	Name of Village and Taluq in which arrear fell due.	No. of Taluq.	Facit for which arrear is due.	Amount of arrear.	Interest.	Batta.	Total.
1	2	3	4	5	6	7	8	9
Shunmu ga viler Pillay.	Deputy Collector Mysore.	Madavilacum Trivellore Taluq.		1285	93 8 3	.	.	93 8 3

I have the honor to be,
Sir,
Your most Obedient Servant.

(signed) R. M. Barlowe
/Enc. copy/ Collector.

W. H. H. H.
Collector.

No. 127.

Chingleput District, Collector's Office,
Saidapet, 5th December 1876.

FROM

R. W. Barlow Esquire,
COLLECTOR OF THE
Chingleput District.

TO

The Honourable D. F. Carmichael,
Secretary to Government P. O.
Madras.

SIR,

With reference to your official Memorandum of the 4th Instant, No. 204, I have the honor to forward copy of my letter to the Secretary to the Chief Commissioner, Mysore, dated 2nd September last, No. 378, regarding the Collection of the arrears of Revenue due by Shennugavelu Pillai.

I have the honor to be,

Sir,

Your most obed^t serv^t

R. W. Barlow
Collector.

From

THE COLLECTOR OF

CHINGLEPUT DISTRICT.

To

Per

THE COLLECTOR OF

Dated

Received

No.

187

Requesting to recover and remit
the amount of arrears due by

of village of Taluk.

No. 8866
4 32

My dear Chief Commr Office

From
Major T. L. Clarke
Off Secretary to the
Chief Commissioner of Mysore

To
The Chief Secretary to the
Government of Madras
Madras

Dated Bangalore 28th November 1876

Sir, I am directed by the Chief
Commissioner to forward, for
the information of His Grace
the Governor in Council, the
accompanying copy of Proceed-
ings No. 8211 of 16th November 1876
on the subject of the aid to be
rendered by the Officers of the
Mysore Administration in

Recd: 1876 Dec 2

No 5261

From

The COLLECTOR OF THE

Chingleput District.

To

The SECRETARY

TO GOVERNMENT.

Madras.

Dated 5th Dec 1876.

(ENCLOSURE.)

No. 127
96-3 Jan 1/77

For and by copy of
the letter of the
Commissioner to the Chief
Commissioner of Mysore
of 1876 and by the
letter of the
Collector of Chingleput
to the Secretary
of the Government
of Madras.

C-132 Dec 7 6 1876

recovering arrears of revenue due
by persons holding lands &c
in the Madras Presidency
and residing in this Province

Have the honor to be,
Sir,
Your Most Obedt Servant

Wm. H. H. H.
Off Secretary

Wm

Off. Secretary to the Chief Commissioner of Mysore, To the Superintendent, Nundydroog
Division, No. 1364—Rev. 33, dated 8th June 1870.

With reference to your letter No. 921—36 of the 31st ultimo, I am directed to forward, for your

1. To the Madras Government, No. 542—37, dated 21st January 1869, and of its enclosure.
2. From Madras Government, No. 507—760, dated 15th March 1869.

information, the accompanying copy of the correspondence, which passed between this Office and the Madras Government, on the subject of the aid to be rendered by the Officers of that Government to the Mysore authorities in distraining property for arrears of rent of defaulters resident in British Territory; and to observe that it seems doubtful whether the order for reciprocity of action in this respect would be sustained by the Madras Courts in the event of an appeal to them against an attempt to enforce it in the case of an absconded revenue defaulter from Mysore. Colonel Meade remarks that the arrangement will at all events cease when the Native Government is restored, it being distinctly at variance with the orders of the late Court of Directors on the point.

Extract from a letter from the Honorable the Court of Directors, No. 2, dated 12th February 1834.

Para 35. We agree with the Governor General that while the inclination of Government will be to avoid either demanding fugitive defaulters or surrendering them on the demand of neighbouring chiefs, there is no necessity to make any declaration that shall pledge Government on all occasions.

71 and 145 to 147 of 23rd August 1831, No. 14, concerning the surrender of revenue defaulters.

36. In the exercise however of the discretion you reserve to yourselves of determining each case on its individual merits, you will not fail to bear in mind these general considerations. That it is next to impossible to ascertain whether persons who are claimed as revenue defaulters by other States have fled from a just or from an unjust demand. That it would be seldom advisable to claim from independent Princes the delivery of fugitives from our own Territories, unless you were prepared to attend to similar requisitions on their part. That the evil of such emigrations is one to which a Government is liable nearly in proportion to the badness of its administration, and is in the Native States of India one of the principal correctives of over exaction by the Officers of Government, while the resort of these emigrants to a well-governed district is one of the beneficial consequences of a good revenue administration. As Mr. Fraser observes "if our revenue be properly assessed, we shall have certainly very few defaulters." The general rule should be neither to surrender the defaulters of other States nor to demand the surrender of our own. The contrary practice should be the exception and should be confined to special cases.

(True Extract.)

(Signed) A. CLARKE,
Offg. Secretary.

*Proceedings of the Chief Commissioner of Mysore, General Department,
16th November 1876.*

From the Commissioner, Ashtagram Division, to the Offg. Secretary to the Chief Commissioner of Mysore, General Department, Genl. No. 412—Finl. 123, dated Camp Nanjangud, 11th October 1876.

With reference to your docket No. 5640—Finl. 73, dated 8th ultimo, forwarding for my disposal, an application dated 2nd idem, No. 373, from the Collector of the Chingulput District, for the collection of arrears of land revenue due by the Assistant Commissioner Mr. Shanmugavelu Pille on account of lands held by him in the Chingulput District. I beg to inform you that, in my opinion, arrears of revenue accruing in the Madras Presidency are not legally recoverable in this Province, and I have considerable doubts whether the Madras Government would entertain similar applications for the recovery of arrears of revenue due by a resident of this Province.

The application has however been sent to Mr. Shanmugavelu Pille for his information.

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ORDER THEREON.—The Chief Commissioner observes that it may be assumed as undisputable that, in the absence of any agreement between the Government of Madras and this State, by which reciprocity of action is secured, proceedings can be taken by the latter on application to enforce a demand for recovery of arrears of revenue due to the former. Such a course by distraint of the defaulter's property or otherwise would be clearly illegal, and, as remarked by Sir Richard Meade in this Office letter No. *1364—33, dated 8th June 1870, to the address of the Superintendent of Nundydroog Division, contrary to the spirit of the instructions of the Court of Directors in their Despatch dated 12th February 1834, No. *2.

*Copies annexed.

2. It is at the same time desirable that all reasonable aid should be given to the Collectors of the Madras Districts adjoining, in serving notices of such demands on persons residing in this Province, and, where the defaulters are officials employed under this Administration, as in the case under present reference, in requesting them to comply with such demands when justly claimable.

T. CLARKE,
Offg. Secretary.

To—The Commissioner, Ashtagram Division.
" Commissioner, Nundydroog Division.
" Commissioner, Nagar Division.

1876.

GOVERNMENT OF MYSORE.

GENERAL.

To

ASHTAGRAM DIVISION.

Dated November 16th.

Despatched.

Per.

MS. 521.

Genl. 187.

Rev: 5292/76

Revenue defaulters. - Issuing instructions regarding the recovery of arrears of revenue due to other Governments, employees and others in Mysore.

1876.

GOVERNMENT OF MYSORE.

GENERAL.

To

ASHTAGRAM DIVISION.

Dated November 16th.

Despatched

Per

MS. 521.

Genl. 157.

Rev: 5292/76

Revenue defaulters. - Issuing instructions regarding the recovery of arrears of revenue due to other Governments, employees and others in Mysore.

Rev: 1876. Septh
From N^o 5292
The Secretary to the Chief Commissioner
of Mysore.

To The Chief Secretary to the
Government of
Fort St. George
Madras

Dated Bangalore 28th Novth

Despatched 29

Received 30 Novth

ENCLOSURES NO. 1

General No. 8866 } 187
S No. 32

Summarized copy of the order
regarding Revenue defaulters

On No 204.

The order of Chingleput is
requested to furnish copy of his
letter to the Chief Commr, Mysore,
No 378 d/20 Sept/last
regarding the arrears due
by Mr Shanmukhavelu
Pillai.

2- Dec 6/6

14 Dec 1876

21 Jan 1877 No 14

N^o 33.

12 Dec 76

14 Jan 77
22

Recd letter from Secy. Ch/Commr,
Mysore d/28-11-76 No 8866
S. 32.

Recd. also letter from Commr. of
Chingleput. d/5-12-76 No 127

The Govt. observe that there was an error
on the part of the Mysore territory
under the Madras Act for the
recovery of Revenue; the Act having given
no effect in the Mysore territory.

2. The Chief Commissioner's Resolution
"to give all reasonable aid to Madras
"Collectors in serving notices of such
"demands on persons residing within
"his jurisdiction; and, where the
"defaulters are officials, in representing
"them to comply with such demands,
"when justly claimable" will be
communicated to the Bd of Revenue
for the information of Collectors.

Ordered that the following
be despatched - No 20-
To Chief Commr, Mysore

Sir, In acknowledging Mr Secy's letter
of 28th ult, No 8866, I am directed to
furnish you with copy of the Progs of the Govt
of this date, No 127, and to state that the
assistance offered by you in cases where Revenue
defaulters reside in Mysore territory, is all that
can be reasonably asked for at present.
21 Jan 77. S. S. T. Dec 2/6.

11/1/77
10/1/77

14 to 15 of Dec 76

21 Jan 77

R.D.

Revenue de poubes-

Procedure ulen resident

in Imjore