

(1) Number of pages 24
 (2) Date of repair 24. 9. 70
 (3) Initials of the Referencer _____

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	19420	Press
B.P. No.		Mis.
Dated	3. 1. 1877	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, 28th 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-157, 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—763, 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 offer 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

defaulter 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.

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—22,* 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, 6th 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:—

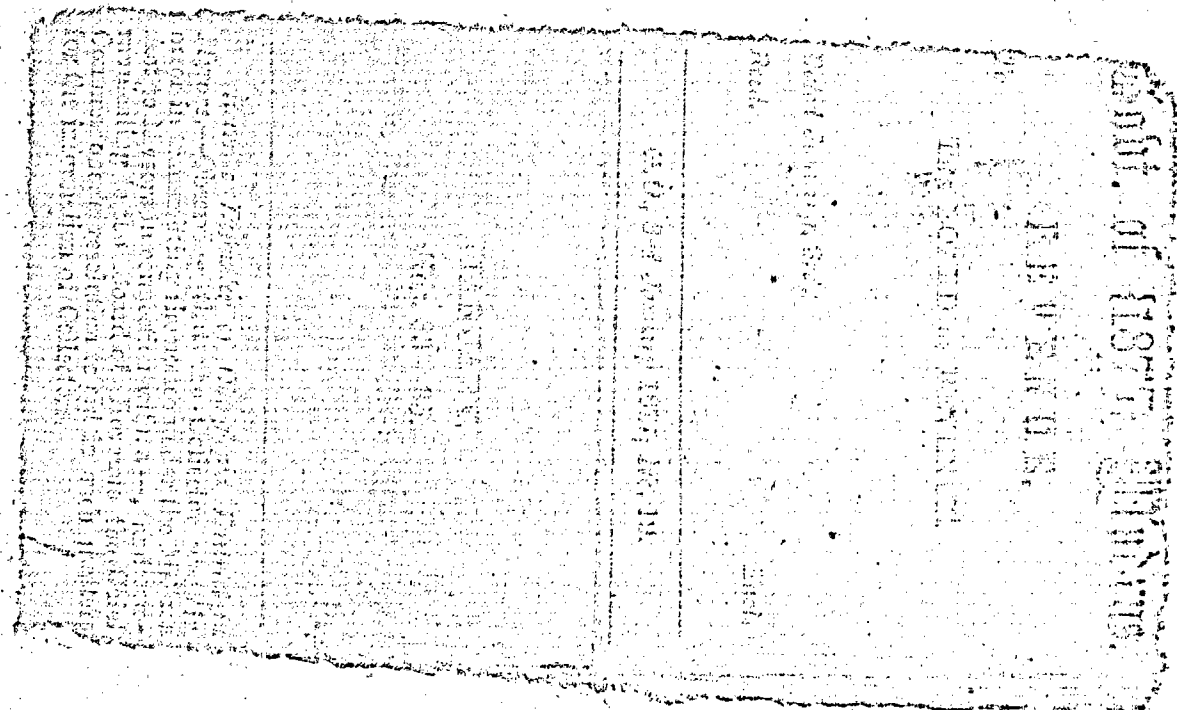
(Here enter 3rd January 1877, No. 20.)

(True Extract.)

Acting Secretary to Government.

To the Board of Revenue.

Edw. J. W. Fischer.



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

No. 36.

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.*
My son.

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 Taluk in which arrear fell due.	No. of Taluk.	Part for which arrears is due.	Amount of arrear.	Interest.	Batta.	Total.
1	2	3	4	5	6	7	8	9
Shunmu ga viku Pillay	Deputy Collector Mysore.	Mad a nilacum Trinellor Taluk.		1285	93 8 3			93 8 3

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

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

McNamee
Collector.

Deal of
the Collector
of Canning
(District-)

No. 127.

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

FROM

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

TO

The Honourable D. F. Carmichael,
Secretary to Government R. D.
Madras.

SIR,

With reference to your official memorandum of the 4th Inst. cut, 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 Shennugavilu Pillai.

I have the honor to be

Sir

Your most obedt servt

R. H. Barlow
Collector.

From

THE COLLECTOR OF

CHINGLEPUT DISTRICT.

To

THE COLLECTOR OF

Per

Dated

Received

187

No.

Requesting to recover and remit
the amount of arrears due by

of village of

Talug.

No. 8866
32

Mysore Chief Commr's Office

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

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

Dated Bangalore 28th November 1876

Sir, I am desired 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 2

1876.

Received

(ENCLOSURE.)

No. 127

96-3 Jan 1/77 94-19.

These and my copy of
Co. Westons' letter to the
Secretary to the Chief
Commissioner Mysore
of 10/3/8 of 20 Sept 8
1876 regarding the
Call letters of Mysore
due by the Mysore
will follow.

C-132 Dec 7 6 1876 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. Murray
Offg. Secretary.

Wm

Offg. 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 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.

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. 442—Finl. 125, 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. 378, 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 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.

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*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.

Received.

No. 597.
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 November

Despatched 29

Received 30 Nov.

ENCLOSURES NO. 1

General No. 8866 } 187
S. No. 32

Forwarded copy of Revenue
regarding Revenue defaulters

On No 204.

The Officer 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.

Jr - Dec 6/6

Let to 14 Dec 1876

Gt 3 Jan 1877 No 14

N^o 83.

12 Dec 76

N^o 14- of 3 Jan 1877
Rd

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

Recd. also letter from Colr. of
Chingleput. d/5-12-6 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 since
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, when the
"defaulters are officials, in requesting
"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 Govt
of this date, No ; 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.
3 Jan 1877 S. S. P. Dec 2/6.

11/12

14 Dec 1876

of 11 Jan 1877

R.D.

Revenue de faulheis -

Procedure ulen residents

in Ingore

Book 12

12

2. 13: 24/6 1816. 12. 76

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