Revenue Department

Minutes of Consultations

7th September 1858

Book Nº 34 and 35

Order Nº 1211 of 6th September 1858

1211

Read again letter from the Collector of Bellary, dated 15th June and recorded in Consultation 2d July 1858, No. 912.

No. 34. Read also the following Extract from the Proceedings of the Board of Revenue, dated 17th August 1858, No. 3128.

Read again letter from the Collector of Bellary, dated 15th June 1858, (communicated to the Board with Extract Minutes Consultation in the Revenue Department, No. 912, dated 2d* July 1858), reporting advances made and outstanding, on account of bandies supplied to the 49th Regiment N. I. at Kurnool.

* *In Consultation* 10*th July* 1858.

Read also letter from the same Officer, dated 21st July 1858, affording explanation on the same subject called for by the Board in Proceedings, No. 2374, dated 10th July 1858.

In Consultation 17*th August* 1858.

(Here enter No. 134.)

Mr. Pelly states, that, on a requisition from the Commissariat Department at Bellary, 130 bandies, the owners of which received advances aggregating 192 Rupees, were sent from different parts of the District to Kurnool, for the use of the 49th Regiment N .I. Out of the number thus supplied, 24 were rejected, and 41 reached Kurnool, after the Regiment had left, so that only 65 or half the number of carts sent, were actually taken and the remainder returned to Bellary.

2. The advances to the 65 carts which accompanied the Regiment, amounted to Rupees 84; but the Officer Commanding has repaid only Rupees 38, being the advances made to 19 carts supplied from Adony, and refuses to pay the remaining 46 Rupees due on account of 46 carts from Yadkee, although called upon by the Officiating Agent to do so.

3. Deducting the amount, Rupees 38, reimbursed by the Officer Commanding, from the total sum Rupees 192 advanced by the Tahsildars, there is a balance of Rupees 154 outstanding, which Mr. Pelly requests sanction for charging in the public accounts.

4. The carts having been impressed and sent to a distance out of the District for employment, it would manifestly be unjust as well as inconsistent with the spirit of the recent Circular,† issued by Government regarding compulsory labor, to require a refund of advances already made, because they happened ultimately not to be required for service, or arrived too late.

† *No* 749, *Rev. Dept. dated* 3*d in Cons.* 19*th June* 1858.

5. The Board accordingly recommend, that, the Collector may be authorized to return the 44 Rupees stated by him to have been improperly recovered from some of the cartmen by the Tahsildars, and to take credit in his accounts for the sum of Rupees 154 which will include the above amount.

6. The Board however are of opinion, that, this arrangement will involve serious injustice towards the owners of the carts. The 68 bandies from Yadkee went 70 miles to Kurnool, and the Collector says the *half* hire of each would amount to Rupees 3-1, while the advance given was only one Rupee. The 30 bandies from Tadputry had to travel 90 miles, and at the same rate the half hire of each would be Rupees 3-15-0, while the advance made was only 2 Rupees. The Tadputry carts arrived too late and 22 of those from Yadkee were rejected. These 52 therefore had to return to their stations—so that the Collector's proposition amounts apparently to paying the 98 carts from these two Talooks Rupees 128, in lieu of Rupees 511-4 their half, or Rupees 1,023-12 their full hire. The Collector does not state the distance from Panchapollium and Adony to Kurnool, but the 11 bandies from

		Half Hire.	*Full Hire.*	*Advances.*
Yadkee....46	*Bandies engaged*.....	140 14	281 12	46
Do.....22	*do. went and returned.*	134 12	269 8	22
Tadputry.30	*do. do*.....	236 4	472 8	60
98		511 14	1023 12	128

the former talook were too late and had to return, receiving altogether two Rupees each for the double trip. Of the Adony carts, 19 were engaged by the Regiment receiving apparently only their advance of two Rupees each, and two carts were returned receiving the same amount.

7. The Board would submit for the consideration of Government, that, the whole of the cart owners are justly entitled to receive full hire, both going and returning, unless in any instance their rejection or arrival too late for employment, was clearly owing to their own delinquency, when return hire might properly be withheld. The rule of half hire was never, the Board think, intended to apply to carts obliged to go long distances, to the place where their services are required. But as an empty cart can manifestly proceed by longer stages than a loaded one, the Board think the hire should be calculated by stages instead of merely by the number of miles traversed. The Board think 15 miles a day would be a fair average for empty carts.

8. The Board recommend that the Collector may be authorized to pay the cart owners on the above principle, deducting the advances now proposed for sanction, and submitting a bill for final adjustment.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 35. ORDER THEREON, No. 1211; dated 6th September 1858.

Para. 1. It appears from the above papers that on the requisition of the Commissariat Department, the Collector of Bellary in November last issued emergent orders to the Tahsildars of the talooks nearest to Kurnool to supply carriage to the Officer Commanding the 49th Regiment Native Infantry, then under orders to march from Kurnool. Of 130 carts so supplied from the four talooks named in the margin, only 65 were taken by the Regiment, viz. 19 from Adony and 46 from Yadkee. Of the sum of Rupees 192 advanced by the Tahsildars to the bandymen, the Officer Commanding the Regiment repaid Rupees 38, the amount advanced to the 19 cartmen from Adony, but has refused to pay Rupees 46, the sum advanced on account of the carts from Yadkee, on the ground that his Regiment had settled with the cartmen. The Collector thinks that as the cartmen are fairly entitled to the remuneration of the advance at least made to them for the journey to Kurnool, the unrecovered portion of the advances should be borne by Government.

Adony	21
Punchapolliem	11
Yadkee	68
Tadputry	30

	130
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2. The Board of Revenue support this application, and in paras. 1 to 5 of their proceedings recommend that the Collector of Bellary might be authorized to take credit in the accounts of his District for the sum of Rupees 154 advanced by the Tahsildars to the cartmen, less the sum reimbursed by the Officer Commanding. They also suggest that the advance of Rupees 44 improperly recovered by the Tahsildars from certain cartmen of the Punchapolliem and Yadkee talooks on account of the advances previously made to them be refunded to the parties. The Government approve and sanction these recommendations.

	Rs.
Amount advanced by Tahsildars.	192
Refunded by Officer Commanding.	38

	154
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3. The Board however are of opinion that the above arrangement will involve serious injustice towards the owners of the carts; they notice the distances which these had to travel, and submit their opinion that the whole of the cartowners are entitled to receive full hire both going and returning, unless, in any instance their rejection, or arrival too late for employment, was owing to their own delinquency, when return hire, they say, might be withheld. They suggest that the hire should be calculated by stages of 15 miles a day, and they recommend that the Collector should be authorized to pay the cartowners on the above principle deducting the advances proposed for sanction, and submitting a bill for final adjustment.

4. The Government are pleased to adopt this suggestion; and they accordingly authorize the Collector of Bellary to disburse to the cartowners the sums that may be due to them under the above arrangement, adjusting at the same time the advances already made. The Civil Auditor will be instructed to admit the charges which may be incurred under this order.

5. Copies of the above papers, will be forwarded to the Military Department, with the view of ascertaining the grounds on which the Officer Commanding the 49th Regiment N. I., refused to repay the advance of 46 Rupees made to the cartmen from Yadkee, whose carts were engaged by the Regiment. Enquiry will also be made in the same department, as well as, of the Collector of Bellary, whether any hire was paid to the 65 carts that did accompany the Regiment, on account of their journey from the talooks to Kurnool.

(Signed) T. PYCROFT,
Chief Secretary.

No. 3128.

Extract from the Proceedings of the Board of Revenue, dated 17th August 1858.

Read again letter from the Collector of Bellary, dated 15th June 1858, (communicated to the Board with Extract Minutes Consultation in the Revenue Department, No. 912, dated 2d* July 1858), reporting advances made and outstanding on account of bandies supplied to the 49th Regiment N. I. at Kurnool.

* In Con. 10th July 1858.

In Con. 17th August 1858. Read also letter from the same Officer, dated 21st July 1858, affording explanation on the same subject called for by the Board in Proceedings, No. 2374, dated 10th July 1858.

(Here enter No. 134.)

Mr. Pelly states that on a requisition from the Commissariat Department at Bellary, 130 bandies, the owners of which received advances aggregating 192 Rupees, were sent from different parts of the District to Kurnool for the use of the 49th Regiment N. I. Out of the number thus supplied, 24 were rejected and 41 reached Kurnool after the Regiment had left, so that only 65, or half the number of carts sent, were actually taken and the remainder returned to Bellary.

2. The advances to the 65 carts which accompanied the Regiment amounted to Rupees 84; but the Officer Commanding has repaid only Rupees 38, being the advances made to 19 carts, supplied from Adony and refuses to pay the remaining 46 Rupees due on account of 46 carts from Yadkee although called upon by the Officiating Agent to do so.

3. Deducting the amount, Rupees 38, reimbursed by the Officer Commanding, from the total sum Rupees 192 advanced by the Tahsildars, there is a balance of Rupees 154 outstanding, which Mr. Pelly requests sanction for charging in the public accounts.

4. The carts having been impressed and sent to a distance out of the District for employment, it would manifestly be unjust as well as inconsistent with the spirit of the recent Circular*, issued by Government regarding compulsory labor, to require a refund of advances already made, because they happened ultimately not to be required for service, or arrived too late.

* No. 749 Rev. Dept. dated 30th in Con. 19th June 1858.

5. The Board accordingly recommend that, the Collector may be authorized to return the 44 Rupees stated by him to have been improperly recovered from some of the Cartmen by the Tahsildars, and to take credit in his accounts for the sum of Rupees 154 which will include the above amount.

6. The Board however are of opinion that this arrangement will involve serious injustice towards the owners of the carts. The 68 bandies from Yadkee went 70 miles to Kurnool, and the Collector says the *half* hire of each would amount to Rs. 3-1, while the advance given was only one Rupee. The 30 bandies from Tadputry had to travel 90 miles and at the same rate the half hire of each would be Rs. 3-15-0, while the advance made was only 2 Rs. The Tadputry carts arrived too late and 22 of those from Yadkee were rejected. These 52 therefore had to return to their stations—so that the Collector's proposition amounts apparently to paying the 98 carts from these two Talooks Rupees 128 in lieu of Rupees 511-4 their half or Rupees 1,023-12 their full hire. The Collector does not state the distance from Panchapollium and Adony to Kurnool, but the 11 bandies from the former talook were too late and had to return, receiving altogether two Rupees each for the double trip. Of the Adony carts 19 were engaged by the Regiment receiving apparently only their advance of two Rupees each and two carts were returned receiving the same amount.

			Half Hire.	Full Hire.	Advances.
Yadkee.....	46	Bandies engaged.....	140 14	281 12	46
Do.	22	do. went and returned..	134 12	269 8	22
Tadputry...	30	do. do.	236 4	472 8	60
	98		511 14	1023 12	128

7. The Board would submit for the consideration of Government, that the whole of the Cart owners are justly entitled to receive full hire both going and returning, unless in any instance their rejection or arrival too late for employment was clearly owing to their own delinquency when return hire might properly be withheld. The rule of half hire was never, the Board think, intended to apply to carts obliged to go long distances to the place where their services are required. But as an empty cart can manifestly proceed by longer stages than a loaded one, the Board think the hire should be calculated by stages instead of merely by the number of miles traversed. The Board think 15 miles a day would be a fair average for empty carts.

8. The Board recommend that the Collector may be authorized to pay the Cart owners on the above principle, deducting the advances now proposed for sanction and submitting a bill for final adjustment.

(A true Extract.)

Secretary.

To

T. PYCROFT, Esq., *Chief Secretary to Government.*

Copy to Collector of Bellary.

R. D.

N° 4211

Extract from the Minutes of Consultation
Under date the 6th ~~August~~ September 1858.

Read again Letter from the Collector of Bellary dated 15th June and recorded in Consultation 2d July 1858, N° 912.

Read also the following Extract from the Proceedings of the Board of Revenue.

(Here enter 17th August 1858 N° 3128)

Vell

P.P. It appears from the above papers that on the requisition of the Commissariat Department, the Collector of Bellary in November last issued emergent orders to the Tahsildars of the Talooks nearest to Kurnool to supply carriage

Revenue 1858 Sept 22
Dep to acct No 315

Extract from the Proceedings of the Board of Revenue

Received 17th August 1858.
No 3128.

From the Secretary to the Government of Fort St George

To the Secretary to the Government of India

Sir,

I am directed by the Board of Revenue to transmit herewith, for the information of the Government of India, a copy of a letter from the Collector of Bellary, reporting the circumstances under which he issued certain orders for the supply of carriage to the Head Quarters of the Commissariat Department on the march from Kurnool to Bellary, and to request that the Government will be pleased to pass such orders on the subject as they may think proper.

I have the honor to be
Sir
Your most obedient
Servant
for Secretary to the Board
of Revenue

Fort St George
6th September 1858.

Copies 2 Sets, 1858 Nos 88-89
Revenue — " — " — 22

Aug 25 1858

carriage to the Officer Commanding
the 49th Regiment Native Infantry,
then under orders to march from
Kurnool. of 130 Carts so sup-
plied from the four talooks
named in the margin, only
65 were taken by the Regiment,
Viz. 19 from Adony and 46 from
Yadkee. Of the sum of Rupees
192 advanced by the Tahsildars
to the Bandymen, the Officer
Commanding the Regiment
repaid Rupees 38, the amount
advanced to the 19 Cartmen
from Adony, but has refused
to pay Rupees 46 the sum
advanced on account of the
Carts from Yadkee, on the
ground that his Regiment
had settled with the Cartmen.
The Collector thinks that as
the Cartmen are fairly entitled
to the remuneration of the
advance at least made to
them

Adony	21.
Punchapollium	11.
Yadkee	68.
Tadpatry	30
	130.

them for the journey to Kurnool,
the unrecovered portion of the
advances should be borne by
Government.

2 The Board of
Revenue support this appli-
cation and in para 1 @ 5 of
their proceedings recommend
that the Collector of Bellary
might be authorized to take
credit in the accounts of his
District for the sum of Rupees
154 advanced by the Tahsildars
to the Cartmen, less the sum
reimbursed by the Officer Com-
manding. They also suggest
that the advance of Rupees
44 improperly recovered by the
Tahsildars from certain Cartmen
of the Punchapollium and
Yadkee talooks on account
of the advances previously
made to them be refunded
to the parties. The Government

	Rs.
Amount advanced by Tahsildars	192.
Refunded by Officer Commanding	38.
	154

approve

approve and sanction these recommendations.

3 The Board however are of opinion that the above arrangement will involve a serious injustice towards the owners of the Carts: they notice the distances which these had to travel, and submit their opinion that the whole of the Cart owners are entitled to receive full hire both going and returning, unless, in any instance their rejection, or arrival too late for employment, was owing to their own delinquency, when return hire, they say, might be withheld. They suggest that the hire should be calculated by stages of 15 miles a day, and they recommend that the Collector should be authorized to pay the Cartowners on the above principle deducting the advances proposed for sanction, and submitting a Bill for final adjustment.

4 The Government are pleased to adopt this suggestion, and they accordingly authorize the Collector of Bellary to disburse to the Cart owners the sums that may be due to them under the above arrangement, adjusting at the same time the advances already made. The Civil Auditor will be instructed to admit the charges which may be incurred under this order.

5 Copies of the above papers will be forwarded to the Military Department with the view of ascertaining the grounds on which the Officer Commanding the 69 Regt N.I. refused to repay the advance of 46 Rupees made

made to the Cantonment from
Yadkin unless Carts were
engaged by the Regiments.
Enquiry will also be made in
the same Department, as well
as of the Collector of Bellary,
whether any hire was paid
to the 65 Carts that did
accompany the Regiment on
account of their journey
from the Kaloochs to Kurnool.

3 Copies to the Bd. of Revr. Dispatched
1 — " Accountt Genl
1 — " Genl Audr
1 — " Secretary Audr Genl
4 — " Mily Departt
with the Papers
for Sign. Encls.

Cons 2d July/58 Nos 88 & 89.
— 8th June — — 22.

Revenue 1858 Departt.
Dy. to Cons: 7th September

No. 1211.

Extract Mins: of Cons:
Dated 6th September/58.

Ext: Mins: of Cons: Mily: Departt of 4th Nov/58 C. Rs 1722 incl: 23 Nov/58-69
Rec. from Bd of Rev. A/c 22
Malab/59 C Nos 487 incl. 12 April 1-2-

Authorizing the Collector of Bellary, to take credit in his accounts, for the sum of Rs 154, advanced to certain Cartmen, whose Cartsmen engaged for the use of the 4th Regt N. I. at Hurnool; and directing the refund of the advance of Rs 44, improperly recovered from the Cartmen by certain Tahsildars; Approval of the principle on which the Board suggested the hire of the Cartmen should be paid.

No. 34 & 35.

C 25 Aug 14 Sep