Revenue Department

Minutes of Consultation

22nd June 1858

Bach No 22 x 23

Order No 838 of 18th June 1858.

(4 Leaves)

பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர் : [illegible]

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள். 07/08

சரிபார்க்கும் முதல் முறியாள் கையொப்பம் 19/1/09

சரிபார்க்கும் 2ம் முறியாள் கையொப்பம்

தூரா ய்ச்சி உதவியாளர் கையொப்பம் 5/1/09

Fort Saint George, Revenue Consultation of 22nd June 1858.

No. 22. Read the following Extract from the Minutes of Consultation in the Financial Railway Department; under date the 9th June 1858, No. 311.

Read the following Extract, from the Proceedings of the Board of Revenue, dated 12th May 1858, No. 1813.

Read the following letter from C. WHITTINGHAM, Esq., Collector of North Arcot; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 12th May 1858, No. 85.

SIR,

Para. 1. I have the honor to acknowledge the receipt of Extract from the Proceedings of the Board of Revenue, dated 21st April 1858, No. 1414, forwarding to me, for immediate report, Extract Minutes of Consultation, dated 20th April 1858, Financial Railway Department, No. 198, by which I am directed to report under what right the Zemindars of Calastry and Cauvet-nuggur claim to collect the tax referred to, and the probable amount that has been levied.

2. Previous to the receipt of these orders, I had received a communication on the subject from Mr. Smart, the Resident Engineer in charge, and had addressed the Zemindar of Cauvet-nuggur calling upon him to explain why he had levied the tax in question, and hindered the Railway Contractors as complained of by Mr. Smart. In reply the Zemindar states that he was fully alive to the advantages his state would derive from the Railroad, and that he had no desire to interfere with the Works, but that his just dues were defrauded by the Contractors, and that in levying the disputed tax he was only enforcing his just claims. He complained that the Contractors drove their bandies over cultivated land and thereby exposed him to loss. He concluded by stating that he was anxious to render every assistance to the Works consistent with his rights, and ready to act up to the intentions of Government.

3. I then addressed Mr. Smart informing him that the Zemindar requested that the Contractors should be directed to pay him the usual tax for the privilege of cutting wood in his Jungles, and complained that the Contractors were in the habit of conveying materials on Carts across cultivated lands destroying crops or injuring the cultivation.

In a letter dated the 8th Instant, Mr. Smart remarks "it would be unreasonable to refuse the payment of any tax which has been levied heretofore, but I decidedly object to pay taxes imposed specially for Railways. I cannot learn that the Department of Public Works ever paid any such taxes as are now called for by the Zemindar in the construction of the road from Nuggery to Circumbady." Mr. Smart also states, "I am not aware of any single case in which it will be necessary to traverse cultivated land in transporting store to the site of the work and certainly no such injury has yet been done, for not one yard of material has been delivered."

4. I have again addressed the Zemindar on this latter point, but with regard to the tax on the timber I consider the Zemindar's claims are just. The right to compensation for the loss of his timber cannot be forfeited by his having waived that right as stated by Mr. Smart, when the road referred to was under construction. That the Zemindar is entitled to the usufruct of all timber on his state has been admitted by the Board in Note 14 in Appendix 1 of their Circular Order, Vol. II, page 212.

5. I presume that when the Contracts with the timber merchants were framed, it was understood that the Contractors expected to get their timber for nothing. If so, the proper course would be for the Railway Officers to make new Contracts in which the payment of the Zemindar's dues should be conceded.

Resolved that the foregoing letter be submitted for the information of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation, dated 20th April 1858, No. 198, Financial Railway Department.

In Con. 21st April 1858.

2. In reporting on the claim advanced by the Cavetnuggur Zemindar to levy a tax upon every bandy load of stone and timber taken from his estate, the Collector has confined his attention to the right of the Zemindar to a profit on the timber cut on his estate, omitting to notice the amount which has as yet been levied, and making no mention of his claim on the stone quarries. As regards the timber, Mr. Whittingham observes, that the right of the Vencatagherry Zemindar to the usufruct of all timber on his estate was admitted by the Board in their proceedings of the 13th January 1853, No. 96, an Extract from which is given in the margin;* the amount to be levied from persons felling wood was left to be settled between them and the Zemindar. Mr. Whittingham is of opinion that the Cavetnuggur Zemindar possesses the same right, and the Board are disposed to agree with him in this opinion.

* *Extract Board's Proceedings, 13th Jan. 1853. vide C. O. Book, vol. 2, page 212, note 14.*

"The Board are of opinion, that the terms under which the Zemindar of Vencatagherry holds his Zemindary, are such as to entitle him to the usufruct of all timber on his estate, and it is not therefore in the power of the Collector to interfere, as to the conditions on which he may allow it to be felled."

3. The Board will instruct the Collector to report again on the points he has omitted in the present letter. In the meanwhile, as regards the stone cutters, they observe, that the claim of a Mootadar to levy an unusual tax on stone cutters were rejected by the Sudder Adawlut in a decree (No. 10) of 1814.

4. The case is probably not exactly paralleled by the title now put forth by the Cavetnuggur Zemindar, but of this the Board will judge when in receipt of further information from the Collector. They have thought it advisable in the interim to lay before the Government the information already received regarding the timber, and to suggest that the Zemindar should be requested to arrange with the Contractors on such terms as he is disposed to exact from them, consistently with his expressed desire to forward the Railway Works, and his admission of the benefit likely to result from it to his own interests. It will be necessary, the Board conclude, to admit the Contractors to more liberal terms in consideration of the payments which are demanded from them, probably the simple augmentation of their Contract rates by the amount to be levied by the Zemindar, will be the easiest mode of arrangement.

(A true Extract.)

(Signed) G. S. FORBES, *Secretary.*

Ordered to be communicated to the Officiating Consulting Engineer in reference to his Observations of the 15th April last, No. 92.

The Board of Revenue will obtain from the Collector the further information which he has to furnish relative to the claim of the Zemindar of Cavetnuggur to levy tax on stone quarried in his Estate, and will instruct him to make to the Zemindar the request suggested in their proceedings.

(True Extract and Copies.)

(Signed) T. PYCROFT, *Chief Secretary.*

No. 23. ORDER THEREON, No. 838; dated 18th June 1858.

Ordered to be communicated to the Board of Revenue, in view to the Collector of North Arcot being desired to furnish the further information required.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

23

FINANCIAL RAILWAY DEPARTMENT.

No. 311.

Extract from the Minutes of Consultation under date the 9th June 1858.

Read the following Extract from the Proceedings of the Board of Revenue, dated 12th May 1858, No. 1813.

Read the following letter from C. WHITTINGHAM, Esq., Collector of North Arcot; to G. S. FORBES, Esq., Secretary to the Board of Revenue, Fort Saint George, dated 12th May 1858, No. 85.

SIR,

Para: 1. I have the honor to acknowledge the receipt of Extract from the Proceedings of the Board of Revenue, dated 21st April 1858, No. 1414, forwarding to me, for immediate report, Extract Minutes of Consultation, dated 20th April 1858, Financial Railway Department, No. 198, by which I am directed to report under what right the Zemindars of Calastry and Cauvetnuggur claim to collect the tax referred to and the probable amount that has been levied.

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3. I then addressed Mr. Smart informing him that the Zemindar requested that the Contractors should be directed to pay him the usual tax for the privilege of cutting wood in his Jungles, and complained that the Contractors were in the habit of conveying materials on Carts across cultivated lands destroying crops or injuring the cultivation.

In a letter, dated the 8th Instant, Mr. Smart remarks "it would be unreasonable to refuse the payment of any tax which has been levied heretofore, but I decidedly object to pay taxes imposed specially for Railways. I cannot learn that the Department of Public Works ever paid any such taxes as are now called for by the Zemindar in the construction of the road from Nuggery to Circumbaudy." Mr. Smart also states, "I am not aware of any single case in which it will be necessary to traverse cultivated land in transporting store to the site of the work and certainly no such injury has yet been done, for not one yard of material has been delivered."

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5. I presume that when the Contracts with the timber merchants were framed, it was understood that the Contractors expected to get their timber for nothing. If so, the proper course would be for the Railway Officers to make new Contracts in which the payment of the Zemindar's dues should be conceded.

Resolved that the foregoing letter be submitted for the information of the Right Honorable the Governor in Council, with reference to Extract Minutes Consultation, dated 20th April 1858, No. 198, Financial Railway Department.

In Con. 21st April 1858.

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Secretary.

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(True Extract and Copies.)

Chief Secretary.

To the Officiating Consulting Engineer, forthe Railways.

" " Revenue Department.

Exd. J. A. Wilson.

Revenue 1858 Dept.
Ltr to Govt 22 June

937

Extract from the Minutes of Council in the Financial & Railway Department.

Dated 9th June 1858
Recd 14th

Requesting the Bd of Rev. to obtain from the Collr of North Arcot further information relative to the claim of the Zemindar of Canetundgur to levy Cus on Slate quarried on his Estate.

No 838. 18th June 1858.
With an order

Extract from the Proc. of the Bd of Revd 21 July 58
No 1182 in 17 Reg

5 ✓

No 2 2 3

No 838

Ordered to be communicated to the Board of Revenue in view to the Collr of North Arcot being desired to furnish the further information required

Fort St. Geo. 18 June 1858.

W. H. B

3 Copies to the Bd of Rev. 19th