Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4318

DATED 3rd Nov — 98

[Despatch Abstract.]

Recording G.O. (Political) stating that there is fair ground for procuring from the Cochin Durbar some compensation to certain British Abkari Contractor for damages incurred by him in consequence of the seizure of his arrack by the Cochin Officials and Requesting the Resident in Travancore and Cochin to make on the Durbar a claim for a Compensation of Rs 300/- to be paid to the Contractor.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	0						

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
C.no 1381/99							
33bis							
1-3-99							
C.no 4201/99							

Revenue (1898) Department.

CURRENT No. 7358

31/10/98

From The Political Dept.

Order mio No 4318 d/ 3rd Nov 1898.

Recorded.

No. 751.

Dated 28th Oct 1898.

Received } 27/10.

Registered }

Enclosures —

Spare copies

Note.

A copy has been communicated direct to the Board by the Political Department

P.P.R
28.10.98

K.O.
31/10/98.

SUBJECT.

Stating that there is fair ground for procuring from the Cochin Durbar some Compensation to certain British Arabian Contractor for damages incurred by him in consequence of the Seizure of his wreck by the Cochin Officials and requesting the Resident in Travancore and Cochin to make the Durbar to Claim for a Compensation of Rs 300 to be paid to the Contractor.

BACK PAPERS.

G.O.	No.	Department.	Date.
R	1778		

FURTHER PAPERS.

G.O.	No.	Department.	Date.
(.no. 4201	799		

[G. / 55]
2,000—6 9-98.

Political Department.

GOVERNMENT OF MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again G.O.No.1778, Revenue, dated 25th April 1898.
also
READ the following paper:—

From the Resident in Travancore and Cochin, Ref. on C.No.2106, dated 15th August 1898:-

With reference to G.O.No. 1778, Revenue, dated 25th April 1898 communicated with G.O.R No. 127, Political, ~~dated~~ of the 2nd ~~day~~ following, I have the honour to report for the information of Government, that the only observation which occurred to me on a perusal of the records of the case in which the Abkari renter of the outlying pattoms of British Cochin was prosecuted in the courts of the Cochin State for the transport of liquor without a proper passport, was, that although the Second class Magistrate who originally tried the case found that one Illaven Kuttathara Kochunni sold the arrack to the Defendant and that he was in the boat when it was seized, no attempt was made to prosecute him with the Defendant. I accordingly asked the Dewan of Cochin to let me have his views as to the apparent omission as possibly affecting the bona fide of the Magistrate which was been impugned.

3. The Dewan now informs me that the Magistrate should have proceeded against Kochunni after the disposal of the original case but that he seems to have thought that an application should have been made to prosecute him which was not done. The Dewan is therefore inclined to think that there is no sufficient reason to question the bona fide of the Magistrate.

3.

3. It seems to me that the Magistrate should have been extremely cautious in dealing with the case, and should have insisted on Kochunni also being prosecuted. I think he behaved in such a manner as to make it doubtful whether he acted with proper impartiality, whether moved by any personal motives or because of the fact that the Cochin revenue was at stake, there is no sufficient evidence to show, but again there is ~~no~~ hardly a sufficient proof of a corrupt personal motive. On the other hand I see no reason to believe that the Defendant, the British Contractor, was acting other than honestly throughout. I never could understand the action of the Cochin Magistracy and said so earlier in the progress of the matter.

4. The claim for compensation received through the Collector of Malabar was however not such as I could press on the Darbar without the orders of Government, intimating that it thought some compensation due. It was too for Rs.454-4-0 and was clearly excessive. If it is decided that compensation should be given, I think the amount should be reduced to something like Rs. 307. The original bill with my remarks against each item, herewith submitted, will show how this amount has been arrived at and I think it is right. I have seen such unintelligent and extraordinary action taken in excise cases, even where no sort of suspicion of partiality or corruption was entertained, that I am somewhat unwilling to say I think one Cochin Magistrate's action was corrupt, more especially as such charges are very lightly made, and published in the State, and the often prove to be interested, false or malicious.

5. The Government may consider that to prefer a claim for a sum not exceeding Rs.300 would be a useful lesson to Cochin Revenue Magistrates so to govern their proceedings that no possible suspicion of partiality may attach to them in cases in which the Darbar is interested.

ORDER:-No.751, dated 22nd October 1898.

On consideration the Government is of opinion that there is fair ground for procuring from the Cochin Darbar some compensation to the British Abkari Contractor. As regards the amount of the claim, the Government accepts Mr.Rees' finding.

3. The Resident in Travancore and Cochin will ~~accordingly~~ accordingly be requested to make on the Darbar a claim for a compensation of Rs.300 to be paid to the British contractor.

(True Extract)

A Edgington
for Chief Secretary.

22/10

To the Resident in Travancore and Cochin.

" Board of Revenue (Separate Revenue)

" Revenue Department. ✓

D.S. 22/98.

When given for copying ——
When copied ——
When examined ——
When signed ——
} 189

READ AGAIN G.O., No. DATED
189

SENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT	A	A	A	A	A	A	A
LETTER OF GOVERNMENT.							
STATEMENT WITH DITTO.							
PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.							

N.B.—
A = Copy in full.
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