

Legislative (1895) Department.

ORDINARY MS.

G.O., No. 10

Dated 9th Feb. 1895

INDEXED.

[Despatch Abstract.]

QUESTIONS.

Communicating to the departments concerned, for the necessary action, proceedings of the Madras Legislative Council, dated 22nd January 1895, with reference to the replies given in Council to certain--

BACK PAPERS.

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

FURTHER PAPERS.

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

FORT ST. GEORGE GAZETTE
SUPPLEMENT.

TUESDAY EVENING,
FEBRUARY 5, 1895.



PROCEEDINGS

OF THE

COUNCIL OF THE GOVERNOR OF FORT ST. GEORGE FOR MAKING LAWS AND REGULATIONS.

Proceedings of a Meeting of the Council of the Governor of Fort St. George, assembled for the purpose of making Laws and Regulations under the provisions of the Acts of Parliament, 24 and 25 Victoria, Cap. 67, and 55 and 56 Victoria, Cap. 14.

The Council met at the Council Chamber in Fort St. George at 3 p.m. on Tuesday, the 22nd January 1895.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS, G.C.I.E.—
Presiding.

The Hon'ble Mr. H. W. BLISS, C.I.E.

The Hon'ble Mr. J. GROSE, M.A.

The Hon'ble P. RANGAYYA NAYUDU.

The Hon'ble A. SABHAPATI MUDALIYAR, Rao Bahadur.

The Hon'ble K. KALYANASUNDARAM AIYAR, B.A., B.L.

The Hon'ble N. SUBBA RAO PANTULU, B.A., B.L.

The Hon'ble S. R. RAMASUBBAIYAR, B.A., B.L., Rao Bahadur.

The Hon'ble C. SANKARAN NAYAR, B.A., B.L.

The Hon'ble Colonel J. PENNYCUICK, R.E.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR, B.A., C.I.E., Diwan Bahadur.

The Hon'ble Mr. C. S. CROLE.

The Hon'ble GHULAM MUHAMMAD HASAN ALI KHAN BAHADUR.

The Hon'ble Mr. A. T. ARUNDEL.

The Hon'ble Mr. E. GIBSON.

The Hon'ble the ADVOCATE-GENERAL.

The Hon'ble Mr. J. STURROCK.

The Hon'ble the MAHARAJA OF VIZIANAGRAM, G.C.I.E.

The Hon'ble Mr. D. DUNCAN, M.A., D.Sc.

The Hon'ble Mr. J. F. PRICE, C.S.I.

The Hon'ble V. BHASHYAM AIYANGAR, B.A., B.L., Rai Bahadur.

The Hon'ble Mr. G. G. ARBUTHNOT.

NEW MEMBERS.

The SECRETARY.—I have the honour to announce to your Excellency that the Hon'ble V. Bhashyam Aiyangar, Rai Bahadur, and the Hon'ble Mr. G. G. Arbuthnot have taken their seats as Additional Members of the Council.

The Hon'ble Mr. GROSE.—I wish, with your Excellency's permission, to make a personal explanation. I have to express to the Hon'ble N. Subba Rao Pantulu my regret that I stated in my answer to him on the subject of Forest administration in Kurnool at the last meeting of this Council that no complaints from the persons concerned had been received by Government or by the Board of Revenue. This statement was made in consequence of my knowing that no such complaint had been received by Government and on a positive assurance from the Board that no such complaint had been received by it. It has since been discovered that one petition of complaint had been sent to the Board. The writer had not applied to the Collector and beyond stating that he was unable to do so assigned no reasons. In the usual course the petition was at once sent back to the writer with directions to go to the Collector.

QUESTIONS.

With the permission of His Excellency the President, the following questions were asked:—

The Hon'ble A. SABHAPATI MUDALIYAR.—I. (a) Is it a fact that the Deputy Tahsildar of Atmakur in the Kurnool district seized certain articles fashioned of wood in the village of Kurkunda?

(b) If so, were the said articles seized in the dwelling-houses of the villagers?

(c) Were complaints lodged in the Taluk Magistrate's Court, and, if so, in how many cases?

(d) Did the District Forest officer permit the accused parties concerned in these cases to compound?

(e) Was the composition money paid to, and accepted by, the District Forest officer?

(f) If so, were the complaints thereupon withdrawn from the file of the Taluk Magistrate?

(g) If so, did the District Magistrate afterwards direct that the composition should be cancelled, the money returned and the prosecution renewed?

The Hon'ble Mr. GROSE.—(a) The Deputy Tahsildar of Atmakur in the exercise of his magisterial powers searched six houses in the village of Kurkunda and seized in five of them 322 pieces of wood believed to have been illicitly removed from the forest. The pieces were roughly fashioned into felloes, naves, spokes, pestles, and the like.

(b) The articles were seized in the houses of three carpenters and two ryots. As the Hon'ble Member is aware, store-rooms and workshops are among this class of people part of the inhabited dwelling-house.

(c) Complaints were lodged in the Magistrate's Court in the five cases of seizure.

(d) (e) & (f) The District Forest officer permitted the accused persons in these cases to compound and the composition money was paid and accepted. The intimation of this to the Taluk Magistrate operated as a withdrawal.

(g) The Collector cancelled the District Forest officer's order of composition and directed that the accused should be put upon their trial, the composition money being returned. The reasons that induced the Collector to cancel this composition were the prevalence of organized and extensive smuggling of high-class and prohibited timber, the difficulty of suppression, the quantity of forest produce at stake and its value, and finally the breach of departmental rules in compounding cases connected with the illicit cutting or removal of valuable timber of this kind.

The Hon'ble A. SABHAPATI MUDALIYAR.—II. (a) If such an order was issued by the District Magistrate, did the Taluk Magistrate protest against it as being illegal, on the ground that the withdrawal of a complaint under section 248, Criminal Procedure Code, operates as an acquittal?

(b) If such a protest was made, will the Government be pleased to lay on the table a copy of the Taluk Magistrate's report which contains it?

The Hon'ble Mr. GROSE.—(a) On the issue of the Collector's order directing the trial of the men, the Taluk Magistrate made no protest and raised no question. Before passing judgment, however, the Taluk Magistrate, as the result of a conversation with the Deputy Tahsildar, appears to have written to the Collector calling his attention to section 55 of the Forest Act as to the legal effect of the payment of composition.

Meantime, however, the Collector and the District Forest officer had been in correspondence on the subject and the Collector on reconsideration cancelled on the 4th December 1893 his previous orders for the prosecution of the accused and allowed them to compound on the terms which they originally offered, at the same time issuing instructions to the Taluk Magistrate staying the criminal proceedings.

(b) There being no official protest on record, the Government has nothing to lay on the table. As to the letter referred to above which the Tahsildar states he sent privately to the Collector, it is not to be found.

The Hon'ble A. SABHAPATI MUDALIYAR.—III. If the answer to Question II (a) should be in the affirmative, is it a fact that the District Magistrate thereupon transferred the cases to the file of the Probationary Deputy Magistrate?

The Hon'ble Mr. GROSE.—The District Magistrate did not transfer the cases to the file of the Probationary Deputy Magistrate.

The Hon'ble A. SABHAPATI MUDALIYAR.—IV. (a) Is it a fact that the Deputy Tahsildar of Atmakur seized six cart-wheels and their complementary, three cart-frames, and also thirty-eight wheel-boxes in the dwelling-house of one Lala Honkaram, a timber merchant of Velgode?

(b) If so, was the said merchant prosecuted before the Probationary Deputy Magistrate and acquitted? Was the attached property ordered to be given over to him?

(c) If so, did the District Magistrate afterwards detain it, and, if so, why and for how long?

(d) If the answer to Question IV (b) be in the affirmative, did the District Magistrate prefer an appeal against the acquittal? If not, why was the property detained?

The Hon'ble Mr. GROSE.—(a) The Deputy Tahsildar seized six yegi wheels without tyres, three cart-frames with crossbars, and thirty-eight wheel-boxes from the premises including the store-house and dwelling-house of Lala Honkaram. The Deputy Tahsildar was willing on Lala's explanation to release some of the articles, but Lala would not agree to this but said all must be released or none.

(b) Lala was tried and acquitted by the Probationary Deputy Magistrate, who, however, under a misapprehension of section 517, Criminal Procedure Code, passed no order directing the making over of the property to him.

(c) The District Magistrate had nothing to do with the detention, directly or indirectly. The acquittal was passed in February 1894. The Ranger, whose duty it was to see that the property was restored, failed to bring the matter to the District Forest officer's notice till 30th April, when the latter officer, finding that the list of confiscated property produced did not bear out the Ranger's statement, ordered it to be detained pending further inquiry. The matter was lost sight of and as neither the Ranger nor Lala himself made any subsequent reference to the District Forest officer about it, the property was not returned till nine months after the acquittal.

(d) The District Magistrate preferred no appeal against the acquittal. The circumstances of the detention have just been explained.

The Hon'ble A. SABHAPATI MUDALIYAR.—V. (a) Is it true that the following seven villages, viz., Talamudipi, Velgode, Kurukonda, Guvulagunta, Virapuram, Edurupadu and Sivapuram were searched by the Deputy Tahsildar of Atmakur?

(b) Did the Deputy Tahsildar seize articles in dwelling-houses?

(c) If so, was any formal complaint or information previously received, and was any warrant issued?

(d) If not, what procedure was followed?

(e) If the answer to Question V (b) be in the affirmative, did the articles consist of cots and used cart-wheels?

(f) If so, did one of the latter belong to one Vastipalli Venkataramudu, and had it a worn-out tyre?

(g) Was V. Venkataramudu tried and convicted? If so, on what evidence?

(h) Was one Nagalla Chandrayya also punished for being in possession of two teakwood cots, one plough-shaft and other fashioned articles?

(i) Is it a fact that in both these cases composition money had been accepted by the Forest Department, and that the complaints before the Magistrate had been withdrawn?

(j) If so, did the District Magistrate subsequently cancel the withdrawal and order the prosecution of the accused in these cases?

(k) Did the Tahsildar, M.R.Ry. Sethu Row, object in a report to this procedure?

(l) Did the District Magistrate hear the appeals in these cases and dismiss them?

The Hon'ble Mr. GROSE.—(a) The Deputy Tahsildar searched certain houses in the four villages of Talamudipi, Velgode, Kurkonda, Guvalagunta; in the villages of Sivapuram and Edurupadu the police conducted the searches, in Virapuram no houses were searched. The seventy-two unclaimed articles belonging to Virapuram were picked up in the fields inside the tank where they had been thrown.

(b) In twenty-two houses, 1,369 articles were seized as illicit forest produce.

(c) and (d) In the first case, in which 762 articles were seized in a timber merchant's house, the Deputy Tahsildar, who had personally observed a large quantity of fresh wood on the premises, acted as a Magistrate on suspicion under sections 105 and 191 (c), Criminal Procedure Code. It was notorious that extensive smuggling from the forests was going on. In the subsequent searches in the four villages named in the first part of this answer, the Deputy Tahsildar acted under the same sections on information received. The house searched in Sivapuram was searched in the Deputy Tahsildar's presence by the police with a warrant, and so were the three houses in Edurupadu. In Virapuram the seventy-two unclaimed articles seized were, as stated above, picked up in the fields inside the tank where they had been thrown.

(e) Almost all the articles seized, nearly 1,600 in number, consisted of pieces of timber more or less roughly shaped in the forest and intended to be made ultimately into yokes, ploughs, wheel-naves, cot-pieces, spokes, felloes, and other domestic and agricultural implements and designated by these names. The wheel-naves were blocks of wood about a foot in diameter and in length; the yokes were poles cut to the length of a yoke; and so generally with the other articles. In a few cases the carpenters had already made an impression on the blocks; but the articles were not old nor had they ever been used. The only exceptions were two cots, which were found concealed on the top of a mosque with other articles believed to be illicit; the cots did not, however, bear any evidence of having been used. There were also two cart-wheels with tyres, but the wood-work was new, the axle-boxes had not been greased, while the tyres had apparently been used on other wheels.

(f) The wheels were seized with other articles on the premises of Vastipalli Venkataramudu.

(g) V. Venkataramudu was tried, convicted and fined Rs. 100. The evidence shortly was his own contradictory statements as to his possession, the proof of which under section 56 of the Forest Act lay in the opinion of the Court upon him, and there was the improbability of the wood being of the age he alleged: his defence witnesses were also discredited.

(h) Nagalla Chendrayya was tried and convicted. The charge included the two-cots mentioned in the former part of this answer as found concealed on the top of a mosque. The other illicit articles were eight wheel-boxes and three plough-poles, all rough-fashioned.

(i), (j) and (k) It is not true that these two cases were ever compounded and the prosecution withdrawn. There was thus no order of the District Magistrate of the kind referred to, nor any objection by the Tahsildar.

(l) The District Magistrate heard the appeals in the two cases and dismissed them. Applications to the High Court for the transfer of the appeals were made and then withdrawn by the appellants.

The Hon'ble A. SABHAPATI MUDALIYAR.—VI. (a) Were carts belonging to one Amir Khan ready at the foot of the hills, eleven miles from Velgode, to remove twenty-four logs of first-class timber? When these logs were seized?

(b) If so, were these logs seized by the Revenue authorities?

(c) Was the party ordered to be prosecuted?

(d) If the answer to Question VI (b) be in the affirmative, did the Forest officers protest against the seizure as illegal on the ground that the logs were covered by permits issued by them and endorsed by the Revenue officers?

(e) Did the District Magistrate nevertheless detain these logs for seven months and did he order the prosecution of the party?

(f) If such protest was made by the Forest officer, will the Government be pleased to produce it?

(g) Did the District Magistrate keep under attachment for seven months 100 cart-loads of first-class timber, covered by Forest Department permits?

(h) If so, upon what ground?

(i) Is it a fact that the Deputy Tahsildar of Atmakur confiscated three cart-loads of timber which he seized in the Velgode Forest tannah?

(j) Had these cart-loads been committed to the custody of the tannahdar in accordance with Forest Rules procedure by the holders of permits for the said cart-loads?

(k) Did the Tahsildar report there were no permits, and that he found the timber in the tannah?

(l) Did the District Forest officer and Ranger bring to the District Magistrate's notice that this seizure was illegal, as no rule was infringed, and that there were permits which the Deputy Tahsildar had endorsed?

(m) If so, what action did the District Magistrate take thereupon?

(n) Was the Forest tannahdar soon after this dismissed, and, if so, why?

(o) If so, will the Government be pleased to produce the Forest officer's report in this matter?

(p) Is it a fact that after these seizures one Vadam Venkat Reddi of Velgode, who held permits for six cart-loads or 24 logs of wood, denied the ownership of four of these logs, although he held the following permits for them: Nos. 492070 to 492075 for cart-loads (24 logs) of first-class timber?

The Hon'ble Mr. GROSE.—(a) and (b) The Government has no information about Amir Khan's carts, but sixteen (not twenty-four) logs claimed by him were found about the 22nd October 1893 in charge of persons who held no permits. Although permits were produced very shortly afterwards, the wood was detained by the Deputy Tahsildar who had gone to the place to investigate frauds in connection with the removal of timber from the forests, in which frauds the forest subordinates were believed to be implicated.

(c) No order to prosecute Amir Khan was ever made. It was proposed to prosecute the persons in charge of the wood without permit, but this was not done.

(d) The Forest Ranger wrote a report declaring the seizure to be illegal because permits were actually in existence and the period of their currency had been duly extended to cover the date of seizure. The permits produced were marked by the Revenue officials to indicate they had seen them. But the ground of the seizure was not the mere omission to have permits. The logs were detained because there was reason to believe that genuine permits were being used more than once or in other fraudulent ways with the connivance of the Forest subordinates to cover irregular removals. The *bona fides* of the permits was in question, as well as the conduct of the Forest subordinates themselves.

(e) The logs were detained about seven months while the illicit practices to which I have just referred were under inquiry. As already stated, orders were issued for the prosecution of the persons found with the wood; but were eventually withdrawn as the result of the inquiry.

(f) A copy of the Ranger's report of the 13th November 1893 will be supplied to the Honorable Member.

(g) and (h) Yes, for the same reasons as in Amir Khan's case. It may be here explained that during the pendency of the inquiry, the owners of the attached wood were allowed to arrange the timber in heaps to save it from the weather.

(i) The Deputy Tahsildar detained—he did not confiscate—three cart-loads found without permit at Velgode tannah.

(j) The wood had been deposited at the tannah ostensibly to be passed in the usual way.

(k) The Deputy Tahsildar reported that out of eleven cart-loads lying at the tannah, three were not covered by permits when he went there. Permits were subsequently produced for the three loads, but in circumstances so suspicious that he was compelled to detain the wood pending inquiry.

(l) The District Forest officer forwarded to the Collector a report from the Ranger giving his reasons for considering the seizure not to be justified because permits were produced.

(m) The Collector was not satisfied with the explanation offered and directed that the men who brought the wood to the tannah should be prosecuted for the reasons indicated in the answer to paragraph (d) above.

(n) The Forest tannahdar was dismissed because he was found to be implicated in the illegal removal of wood from the forests. He was subsequently reinstated on appeal to the Board of Revenue, who, however, directed that, as his conduct was not wholly satisfactory, he should not be allowed pay for the five months he was out of employ.

(o) A copy of the Ranger's report of the 8th November 1893 will be given to the Hon'ble Member.

(p) The Hon'ble Mr. Sturrock states as follows (*vide* paragraph 63 of his report):—

"It is a fact that when some logs were found uncovered by permits in the possession of Wudders who said that they had been cut for one Vadam Venkat Reddi, the said Vadam Venkat Reddi afterwards denied responsibility for them, although he did at the time hold permits under which they might have been cut. There is nothing to show that the wood was actually felled and squared after the permits had been taken out, and, looking to the proved prevalence of illicit felling, it would seem that Vadam Venkat Reddi thought it safer to repudiate these particular beams—if indeed they had been cut for him, for which there is only the word of the Wudders."

The Hon'ble A. SABHAPATI MUDALIYAR.—VII. (1) Has the Government received mahazars, or any communications from rate-payers of Adoni and Kurnool towns, praying for the introduction of elective system into their municipalities?

(2) Has the Government passed any orders; if so, what they are?

(3) Will the Government be pleased to introduce the elective principle into all municipalities that have been in existence for more than five years?

The Hon'ble Mr. BLISS.—(1) The answer to the first question is "yes," but in the case of Kurnool, not for the last three years.

(2) The answer to the second question is "Yes." The Government said that it was not prepared to comply with the petitioners' requests.

(3) As to the third question, the Government is not prepared to give any such pledge, but is ready to consider the case of any municipality which has been five years in existence and the rate-payers of which desire the elective privilege.

The Hon'ble A. SABHAPATI MUDALIYAR.—VIII. Referring to the returns of mortality from wild animals and snakes in India during the year 1893, the Government will be pleased to state what remedial measures they have taken, and whether they do not consider it advisable to sanction increased rewards for the destruction of wild animals and snakes to make it the worthwhile of shikaries and others to engage themselves in this work.

The Hon'ble Mr. GROSE.—The remedial measures taken with regard to the destruction of wild animals are that the Government offers liberal money rewards, and gives special rewards in exceptional cases. The question as to what should be the amount of the rewards has been carefully considered and it does not seem to Government desirable to enhance them. Licenses to possess arms and ammunition for the purpose of destroying wild animals are procurable without charge and are freely granted. With regard to the grant of rewards for killing snakes, the Government of India on a review of the whole question arrived at the conclusion that experience has shown that no system of rewards is likely to have any appreciable effect on the mortality from snake-bite. The experiment has been tried in this Presidency on several occasions, but has never proved successful; and His Excellency in Council sees no reason to revive it. One method which may prove effective is the removal of the jungle undergrowth, ruined walls and the like in and around villages so as to destroy the cover for snakes in inhabited sites where they are most dangerous to human life and this is being tried as shown in G.O., dated 8th May 1894, No. 324, which was placed on the Editors' Table.

The Hon'ble A. SABHAPATI MUDALIYAR.—IX. (1) What is the number of non-official members of the district board of Nellore, village munsifs being considered officials?

(2) Is it true that the Raja of Venkatagiri is not represented on it for a whole year or longer, and, if so, is the Government prepared to make arrangements for the representation of the Raja on the Board?

(3) How many of the Raja's officials are members of the taluk boards of Nayadupett and Ongole which are in his zemindari?

(4) Is it true that the Raja represented to the President that he must be represented in the local boards, and, if so, is it true that the President of the District Board has declined to comply with his request?

The Hon'ble Mr. BLISS.—Complete information on these matters is not available in the Government office, but the President of the District Board will be asked to report, and I request that the Hon'ble Member will repeat his questions at the next meeting of the Council.

The Hon'ble C. SANKARAN NAYAR.—X. Is it true that Mr. Thomson, the then Collector of Tanjore, has reported that "rentals on estates under the Court of Wards' management have been freely cited in favour of the landholders; my years' experience of Tanjore has given me a most unfavorable impression of the agency that has been employed under the Court in every estate under their charge?" Has the Government called upon the Court of Wards and their agents to meet the charge brought against them, or has your Excellency taken any other step to satisfy yourself of the truth of this statement? If this statement is true, does the Government propose to compensate the owners of these estates for the loss sustained by them on account of the bad management of the Court of Wards and their agent, the Collector?

The Hon'ble Mr. GROSE.—The statement quoted by the Hon'ble Member is to be found in a report embodied in the Revenue Board's Proceedings, dated 1st November 1892, No. 719, which was communicated to the Press and which the Hon'ble Member has presumably read. The Government has reason to believe that the Collector's statement is too sweeping and although the management of the numerous petty estates in the district of Tanjore may leave something to be desired, it has been on the whole as good as was possible in the circumstances. The Government has not called upon the Court of Wards for any explanation nor does it propose to do so.

The Hon'ble C. SANKARAN NAYAR.—XI. Will "the usual inquiries in connection with the settlement" in Tanjore enable the Government or the public to form an opinion as to the ability of the pattadars or other holders of land to pay the enhanced revenue, regard being had to their cost of personal living and standard of comfort, and will such inquiries show how many tenants are likely to be evicted on account of the proposed increase of revenue; whether the wages of the agricultural labourers particularly, and the other labourers generally, are likely to be reduced and what number of persons are likely to be thrown out of employment on account of such enhancement, and, if so, will your Excellency be pleased to place such information at the disposal of the press and will your Excellency be pleased to state the views, if any, of the Government on the matters referred to in this question?

The Hon'ble Mr. GROSE.—The reports of the Deputy Commissioners and other papers relating to the Tanjore settlement have been communicated to the press and it is for the public to decide whether it can form an opinion upon the matters indicated by the Hon'ble Member.

The settlement was adopted after the fullest discussion; it has been finally approved by the Secretary of State, who has rejected the memorial against it submitted by the landholders of Tanjore and the Government leaves it with confidence to the future to show the results of the settlement.

The Hon'ble C. SANKARAN NAYAR.—XII. Will your Excellency be pleased to place at the disposal of the press a statement showing the number of holdings in the district of Tanjore where the enhanced revenue is between—

1 and 25 per cent.	100 and 200 per cent.
25 and 50 "	and above 200 "
50 and 75 "	" 400 "
75 and 100 "	" 500 "

The Hon'ble Mr. GROSE.—The Government will endeavour to obtain the information asked for by the Hon'ble Member.

The Hon'ble C. SANKARAN NAYAR.—XIII. Is it not a fact that in the Chingleput district in almost every village a certain area was set apart at the time of the settlement for grazing purposes—will your Excellency be pleased to ascertain whether they continue to be set apart for grazing purposes or whether they have not been included in forest reserves?

The Hon'ble Mr. GROSE.—The information at present before the Government does not enable it to say in how many villages of the Chingleput district an area was set apart at settlement for grazing purposes. It appears, however, from the settlement reports that 9,960 acres were so set apart for pasturage and 31,715 acres for fuel in the whole district.

The Government has already called for a report as to the extent to which areas registered at settlement as grazing grounds have been included in forest reserves, and the report will on receipt be laid on the table.

The Hon'ble C. SANKARAN NAYAR.—XIV. Is it the fact that any land taken up for cultivation will now be assessed without reference to the crop (whatever it may be) raised on it, and whether it is not a departure from the system hitherto prevailing under which the produce alone was taxed, and was it not the later practice that prevailed when the Government abolished the tax on pepper vine and promised not to revive the tax on the growing vine?

The Hon'ble Mr. GROSE.—The Hon'ble Member is referred to the replies which were made to his questions 1 to 3 at the Meeting of the Council on 20th November last. In view of the fact, of which the Hon'ble Member is aware from the papers furnished to him, that the settlement of Malabar is now under consideration, the Government is not at present prepared to make any further pronouncement regarding details of assessment in that district.

The Hon'ble C. SANKARAN NAYAR.—XV. Is it the fact that the Committee appointed in 1889 to discuss the principles on which revision of assessments should be based recommended the tree-tax or the system of taxing the produce to be abandoned on the ground that pepper will have to be excluded under the pledges given by the Government and recommended the adoption of land-tax as the only means of reaching pepper (see paragraphs 36 and 37 of the report of the Committee)?

The Hon'ble Mr. GROSE.—As the Hon'ble Member is evidently in possession of the information asked for, the only answer that Government can give is to refer him to the report which he quotes.

The Hon'ble C. SANKARAN NAYAR.—XVI. Will "the usual inquiries in connection with the settlement" of Malabar enable the Government to form an opinion on matters referred to in question (2)?

The Hon'ble Mr. GROSE.—The Government anticipates that when the usual inquiries referred to are completed, it will be in a position to form an opinion upon all matters necessary for the introduction of the settlement.

The Hon'ble C. SANKARAN NAYAR.—XVII. Is it not a fact that the Government has before it the report of the Settlement officer for Malabar and the Proceedings of the Board of Revenue recommending an enhancement of revenue in Malabar, and does the Government propose to take into consideration, in determining the amount of enhancement, the probability and the extent of increase in crime owing to such enhancement of revenue?

The Hon'ble Mr. GROSE.—The report of the Settlement officer and the Proceedings of the Board of Revenue have been received, but have not been considered pending the receipt of the remarks of the Kerala Mahajana Sabha to whom the papers have been sent. The Government is not in a position to answer the latter part of the Hon'ble Member's question.

The Hon'ble C. SANKARAN NAYAR.—XVIII. Whether it is not a fact that District and Divisional Magistrates sometimes issue circulars or orders to their subordinate magistrates requiring more numerous convictions and the infliction of severe punishments in cases of Salt and Abkari prosecutions, and, if so, whether the Government will place such circulars at the disposal of the press or on the Council table?

The Hon'ble Mr. BLISS.—The Government has no knowledge of the matter. If the Hon'ble Member will specify any cases of the kind to which he refers, the Government will be prepared to consider them.

The Hon'ble C. SANKARAN NAYAR.—XIX. Whether the Government has passed any orders on the report of the Collector referred to in the answer to my question 11 on the 20th November 1894, that the petition was sent by 105 Chetties as a dhoby was arrested for smuggling? If so, will your Excellency be pleased to place it on the

Council table? Will your Excellency be pleased to state whether the Tahsildar found any of the charges were well founded, and, if so, what these charges are?

The Hon'ble Mr. BLISS.—A copy of the District Magistrate's Proceedings on the subject has been received from the Board of Revenue and has been recorded by Government. A copy of the Government Order will be furnished to the Hon'ble Member.

It will be seen from paragraph 1 of the District Magistrate's Proceedings that the Tahsildar, after a summary enquiry, reported that the charges against the Salt and Abkari officials were well founded and suggested that their conduct should be investigated. The District Magistrate held an enquiry and recorded the finding given in my answer to the question on the same subject asked by the Hon'ble Member at the last meeting of the Legislative Council.

The Hon'ble C. SANKARAN NAYAR.—XX. Considering the number of the graduates of this University and the fact that there are only 40 Fellows out of 134 who are natives, of whom only 24 are graduates, and that there is only one member of the syndicate who is a native of India, will your Excellency be pleased to consider the desirability of appointing a larger number than usual of native graduates as Fellows of the University?

His Excellency the PRESIDENT.—The Government will give due consideration to the Hon'ble Member's suggestion that a larger number of graduates who are natives of India should be appointed to be Fellows of the University.

The Hon'ble C. SANKARAN NAYAR.—XXI. Does the Government see any objection to deputing agricultural inspectors to selected centres to carry out experimental cultivation side by side with the ryot, and will your Excellency kindly state the objections, if any, to the same?

XXII. In view of the pending settlement in Malabar and Canara, will your Excellency be pleased to depute some agricultural inspectors to carry out the experiment on the above lines in these districts so that correct data may be made available for ascertaining the cultivation expenses and the grain outturn for different soils?

The Hon'ble Mr. GROSE.—The suggestions made by the Hon'ble Member will be referred for report to the Revenue Board.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIII-A. Will the Government be pleased to ascertain and state the number of petitions presented up to date by the Tanjore landholders objecting to the revised assessment—

(a) to the Deputy Commissioners of Settlement and
(b) to the Board of Revenue, the number of petitions remaining undisposed of with the Deputy Commissioners, and the number of appeals in which the Board of Revenue have modified the decision of the Deputy Commissioners?

B. Will the Government be pleased to state whether an appeal lies to them in such matters?

The Hon'ble Mr. GROSE.—A. The Government has called for the information required by the Hon'ble Member.

B. There is no provision in the Settlement Manual for any appeal to Government in these matters, but under the petition rules any person aggrieved by the executive order of a subordinate authority can petition Government.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIV. (a) Will the Government be pleased to state the amount of reduction in assessment effected by the Settlement Department on lands in the taluks of Kumbakonam, Nannilam and Mayavaram subsequent to the final Government Order on Tanjore Settlement, and in pursuance of the statement in paragraph 8 of the same that "the introduction of the alluvial series which is altogether exceptional in settlement schemes has had the effect of raising the assessment in Kumbakonam, Nannilam and Mayavaram taluks by 48, 46 and 34 per cent., respectively? The Board's proposal to moderate the increase in these three taluks by reducing the classification of the soil is fully approved.

The Hon'ble Mr. GROSE.—In the Kumbakonam taluk, the total reduction of assessment granted subsequent to the final Government Order on the Tanjore Settlement was about Rs. 1,13,000. This is made up of a reduction of Rs. 14,000, due to the lowering of the grouping of irrigation in pursuance of the orders of

Government, Rs. 45,000 due to lowering of classification of (alluvial) soils and Rs. 54,000 due to transfer of unirrigated garden lands to dry.

In Nannilam, the reduction amounted to over Rs. 95,000 (Rs. 10,47,499 — 9,52,336). The amount includes a reduction of Rs. 60,537 due to lowering of soil classification, Rs. 5,479 due to lowering of grouping of drainage channels, and Rs. 27,372 to transfer of unirrigated garden and of manavari lands to dry.

In Māvavaram, the reduction amounted to Rs. 32,092. There was a reduction of Rs. 5,205 and Rs. 9,166 by lowering the grouping of drainage sources and of soil classification, respectively, and of Rs. 34,805 by transfer of wet and manavari lands and of unirrigated garden lands to dry. There was also a decrease of Rs. 3,157 due to changes subsequent to the submission of the Board's scheme and of Rs. 7,217 under tirvajasti (water-rate) which was included in "revenue" figures, but omitted from the Deputy Commissioner's figures given in the Board's scheme. The difference between Rs. 59,550 and Rs. 32,092 represents increases due to transfer of dry lands to wet and of the enhancement of classification in some villages in which subsequent investigation showed this to be necessary.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIV. (b) Will the Government be pleased to state whether any effect has been given to the following directions in the same order:—

"His Excellency the Governor in Council accordingly resolves to direct that careful consideration be given to this point (the varying degrees of efficiency in individual villages or in groups of villages) in introducing the settlement, and that the necessary alteration of classification of sources with reference to efficiency of irrigation and drainage and the character of the water-supply be effected on a consideration of local circumstances. The classification of those tracts which are irrigated from the latter sources (drainage channels) must be revised at the time of the introduction of the settlement with reference to the above remarks."?

If so, will the Government be pleased to state the amount of reduction consequent thereon?

The Hon'ble Mr. GROSE.—The revision of the classification of irrigation sources in the three taluks referred to was carried out by the Deputy Commissioners to the best of their judgment and ability, with the result that the assessment was reduced by about Rs. 25,000 as shown above. In many cases in which the original soil classification was further lowered in pursuance of the orders of Government, it was found unnecessary to grant further relief by lowering the grouping of irrigation sources.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXV. Will the Government be pleased to state whether, in view of the increase of assessment in the resettlement of Tanjore, an increased allotment was made in the budget for 1894-95, and whether any such allotment will be made in the budget for 1895-96 for the more equitable and economical distribution of water in that district?

The Hon'ble Colonel J. PENNYCUICK, R.E.—The allotments in the budget are not made with reference to the revenue, but according to the amounts reported by Superintending Engineers to be necessary for the upkeep of the works. The allotments for the Tanjore district in 1893-94 and 1894-95 were as follows:—

	1893-94.	1894-95.
	RS.	RS.
Cauvery Delta system ...	66,808	80,219
Tank Restoration works ...	24,000	75,000
Other sub-heads ...	93,230	78,458
Total ...	1,84,038	2,33,677

There was therefore an increase in 1894-95 over 1893-94, but whether there will be a further increase in 1895-96 cannot yet be said as the budget has not yet been considered in detail. It is improbable, however, that there will be any large increase in expenditure pending the receipt of completion estimates for the preparation of which a special establishment was recently sanctioned.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXVI. Will the Government be pleased to state whether the Department of Public Works bore for a long time the entire cost of strengthening the banks of the main irrigation channels (called rivers)

in the Tanjore district by planting reeds, &c., and whether recently the Executive Engineer has been requiring the landholders themselves to bear such cost?

If so, will the Government be pleased to direct a reversion to the old practice?

The Hon'ble Colonel J. PENNYCUICK, R.E.—Government has no information on the subject at present, but a reference will be made to the Superintending Engineer.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXVII. Is it a fact that there are some channels in Tanjore, mainly drainage, such as Poyyai near Pāpanāsam and the Palavar to the north of Kumbakōnam, and also certain canals such as the one connecting Negapatam and Védāranniyam, which have no continuous embankments to protect the lands on either side from being flooded by the overflow of water from them, and, if so, will the Government be pleased to provide for these embankments being put up?

The Hon'ble Colonel J. PENNYCUICK, R.E.—Continuous embankments to keep flood water within the limits of river margins are of doubtful benefit as, if a breach does occur, the damage is, as a rule, much more severe than if the water is allowed to spread over the adjoining fields and flow quietly away. A great deal was done towards reducing the effect of floods in the Cauvery delta by the construction of the Cauvery and Vennār regulators, and the Superintending Engineer, V Circle, is now preparing plans and estimates to increase the discharging power of the Lower anicut in order to still further reduce the severity of such floods. The question of embanking rivers and channels will be considered when the completion estimates are received, but it is improbable that any large expenditure in this direction will be found desirable.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXVIII. Is it a fact that the *jamabandi* of the district of Tanjore in accordance with the recent resettlement was completed only by the end of September last, and that the pattas to be given to the landholders were not ready even then, and yet that the District authorities collected interest from July last on the amounts fixed and demanded only after September, and, if so, will the Government be pleased to order a refund of the sum so collected?

The Hon'ble Mr. GROSE.—It is true that, owing to the introduction of the new rates, the *jamabandi* was not completed till the end of September; but no information is available as to whether interest was charged in cases where the demand was not settled before 1st July. The Collector has been asked to report on the subject. If it is found that interest was charged in respect of any demand not settled before the close of the *fasi*, orders will be issued for refunding the amount.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIX. Will the Government be pleased to direct that, in the case of joint pattas issued to the landholders of Tanjore, the share of each in accordance with enjoyment, or in cases of doubt or dispute in accordance with the revenue accounts, should be entered therein, and that when one of the joint pattadars falls in arrears the revenue due be collected by taking coercive processes against the land alone?

The Hon'ble Mr. GROSE.—The Government is not prepared to give any such direction.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXX (a) Will the Government be pleased to state whether it is a fact that landholders in Tanjore are in possession of certain lands which are measured in *paimash* accounts as *tope* lands, that they were hitherto paying the assessment on the trees standing on such lands in consequence of the tree-tax being higher than the assessment on the lands themselves, and that in the old pattas of the landholders there was therefore only an entry of the trees so taxed?

(b) Will the Government in cases in which trees continue to stand on such *tope* lands be pleased to order an entry in individual pattas of the extent of such *tope* lands and the assessment thereon?

(c) Is it a fact that in the resettlement even those *tope* lands on such trees do not now stand have not been separately measured, assessed and entered in individual pattas, and will the Government be pleased to direct that land assessment alone be levied in such cases?

The Hon'ble Mr. GROSE.—The Government will call for a report upon the points raised by the Hon'ble Member.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXXI. Is it a fact that the season of the second-crop cultivation of dry lands in Tanjore begins in January when

the Cauvery and its branches are invariably dry and that water for this cultivation is therefore lifted up from temporary wells sunk in the beds of the rivers at much labour and cost, and, if so, will the Government, in consideration of the above disadvantage, be pleased to relieve the landholders from the payment of the water-cess of Rs. 1-8-0 per acre now levied on such second-crop cultivation?

The Hon'ble Mr. GROSE.—The Government is not prepared to grant the concession suggested.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXXII (a) Is it true that in respect of the lands in seven villages belonging to Musali Naidu and two others of Alangudi-cheri in the Negapatam taluk, whose estate was under the management of the Court of Wards till recently, the estimated outturn of the lands, as fixed by the Settlement Department for determining the assessment, was in all cases more than double the average yield thereof as realized by the Court of Wards during the six years from fasli 1291 to fasli 1297?

(b) Have the appeals preferred by the said landholders against the assessment based on the above estimate been rejected by the Board of Revenue and the Government, and if so, will the Government be pleased to state the grounds on which the actual yield of the lands under the management of the Court of Wards was rejected as valueless?

The Hon'ble Mr. GROSE.—(a) The Government is not in possession of any trustworthy statistics showing the yield of the lands in question while under the management of the Court of Wards. The outturn accounts kept by the court from fasli 1292 to 1297 do not show the gross outturn or the areas of lands concerned in each case.

(b) The appeals have been rejected both by the Board and by Government. As there were no trustworthy statistics of outturn, the assessment imposed by the new settlement was considered to be moderate and was confirmed accordingly.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXXIII. Will the Government be pleased to ascertain and state the number of European and Eurasian Inspectors, Assistant Inspectors, &c., in the Salt and Abkari Department and in the Police Department to whom exchange compensation allowance is paid even though they make no remittances to places outside India, and will the Government be pleased to state the aggregate amount of compensation paid to these officers?

The Hon'ble Mr. BLISS.—I regret that I am unable to give any other answer than the one which I gave to the Hon'ble P. Rangayya Nayudu at the meeting of the Council on March 7th, 1894, on the same subject, and to which I beg to refer the Honorable Member.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXXIV. Will the Government be pleased to take steps for providing closet accommodation in third-class carriages in the railways under their control?

The Hon'ble Colonel J. PENNYCUICK, R.E.—The Railway Act of 1890 provides that one or more third-class compartments shall in every passenger train be reserved for the exclusive use of females, and if the train is to run for a distance exceeding 50 miles the compartment shall be provided with a closet, and this is carried out on the railways under the Madras Government.

Government of India Circular (No. XV, Railways), dated 20th November 1894, a copy of which will be sent to the Honorable Member if he wishes it, has been lately issued calling the attention of railway administrations to the great importance of taking measures to increase the comfort and convenience of Native passengers; special reference is made to the provision of retiring accommodation for third-class passengers, and the railway authorities under this Government have this matter under their consideration at the present time.

The matter is one of considerable difficulty and expense, but it is hoped that by either gradually fitting existing carriages with latrines or providing separate latrine carriages, the present undoubted inconveniences may be removed.

The Hon'ble Mr. ARBUTHNOT.—XXXV. Whether, in view of the continued arrears of work in the Madras High Court, Government are taking any steps with a view to the appointment of a permanent fifth Puisne Judge, the necessity for which was set forth in the Madras Government's despatch to the Government of India, Home Department, Judicial, No. 1771 of 11th November 1890, which contained the following paragraph: "It will be seen that the High Court looks upon the retention of a

fifth Puisne Judge as indispensable, and I am to state that His Excellency the Governor in Council is in full accord with the High Court upon this point."

The Hon'ble Mr. BLISS.—In February 1893 this Government requested the Government of India to move the Secretary of State to sanction the retention of a fifth Puisne Judge during 1893-94, but the Secretary of State declined to do so. Since the Honorable Member's question was received, a communication has been received from the High Court which the Government has not yet had time to consider, but which appears to raise, *inter alia*, the question of the employment of a fifth Puisne Judge. Until the Government has had time to consider the High Court's letter, it is not possible to say what action will be decided on.

The Hon'ble Mr. ARBUTHNOT.—XXXVI. Whether Government have in contemplation to increase the limit of jurisdiction of the City Civil Court, and, if so, to what extent?

The Hon'ble Mr. BLISS.—The Government has no power of itself to raise the jurisdiction of the City Civil Court. For that purpose legislation would be necessary. A communication on the subject has just been received from the High Court, and until it has been considered, the Government cannot say whether any steps to procure the extension of the jurisdiction of the City Civil Court will be taken.

The Hon'ble Mr. ARBUTHNOT.—XXXVII. Whether when the City Civil Court Bill was introduced a majority of the members of the Select Committee to whom the Bill was referred expressed a strong opinion that the limit prescribed by the Bill, viz., Rs. 2,500, should not be exceeded, and that the new Court should be confined to the trial of petty cases?

The Hon'ble Mr. BLISS.—The Honorable Member is referred to the report of the Select Committee which he will find in Part V of the *Gazette of India* of the 26th March 1892 and in the Supplement to the *Fort St. George Gazette* of the 5th April 1892.

The Hon'ble Mr. ARBUTHNOT.—XXXVIII. Whether Government have in contemplation to extend the Court Fees Act, 1870, to the Original Side of the High Court, in lieu of the scale of fees now leviable in that Court?

The Hon'ble Mr. BLISS.—In reviewing the Civil Justice report for 1893 the Government asked the opinion of the High Court as to the expediency of substituting the scale of fees prescribed in the Court Fees Act for the scale now in force in the High Court. The Honorable the Judges have not yet replied on the subject.

The Hon'ble Mr. ARBUTHNOT.—XXXIX. Whether such a change will not materially increase taxation to suitors?

The Hon'ble Mr. BLISS.—The exact effect of change referred to will be a matter for consideration when the High Court reports on the subject.

The Hon'ble Mr. ARBUTHNOT.—XL. Whether Government will give sufficient notice of any recommendation which they propose to make to the Supreme Government with a view to legislation affecting the Madras High Court, to enable an expression of public opinion to be made upon a matter gravely affecting public interests?

The Hon'ble Mr. BLISS.—The Government will endeavour to give the public a reasonable opportunity to express its opinion before recommending to the Government of India any legislation on the subject referred to.

The Hon'ble N. SUBBA RAO PANTULU.—XLI. In the matter of enhancing the water-cess by 25 per cent. in Gódvári and Kistna districts, were any reports called for from the Collectors of the said districts and from the Board of Revenue or the Member in charge of the Settlement Department? If so, will Government be pleased to place them on the table? If not, will Government be pleased to state why the Collectors of the said districts were not consulted?

The Hon'ble Mr. GROSE.—No. It was not considered necessary to consult the Collectors, as the Government considered it had all the requisite information.

The Hon'ble N. SUBBA RAO PANTULU.—XLII. With reference to the answer given by Government at the last meeting of the Council that "the full option of refusing irrigation now allowed was not allowed under the old rules" and that "the Government does not consider that any option was needed," is it not a fact that ryots during the last twelve years or more have had and have been exercising this option of refusing irrigation within the 31st March of each year?

The Hon'ble Mr. GROSE.—The full option was given in 1873 when the revised set of rules was issued and had to be exercised before the 31st March or three months before the commencement of the fasli year.

The Hon'ble N. SUBBA RAO PANTULU.—XLIII. Is it a fact that when the water-rate was enhanced in 1865 there was an understanding that the rate then fixed would not be increased during the currency of the Settlement?

The Hon'ble Mr. GROSE.—The Government is not aware of any such understanding.

The Hon'ble N. SUBBA RAO PANTULU.—XLIV. Will Government be pleased to state on what basis the rate of the water-cess is determined and whether there is any fixity of demand of the rate for any definite period?

The Hon'ble Mr. GROSE.—The rate of the water-cess is determined on the principle that a fair commercial value should be put upon all water supplied, provided that the price charged is not so great as to bar its use on lands which really derive benefit from canal irrigation. There is no obligation on Government to leave a margin to the landlord to enable him to increase the rent. As a consequence it follows that the Government cannot guarantee the fixity of the charge; at the same time it will not be arbitrarily or capriciously altered or otherwise than on fair and reasonable grounds.

The Hon'ble N. SUBBA RAO PANTULU.—XLV. Is it a fact that for several years village officers in some zemindaries—Munsifs, Karnams, Taliaries—were paid for their services from the Ryotwari Village Service Fund; and will Government be pleased to order that the amount so spent be charged to the Provincial Funds and refunded to the Village Service Fund?

The Hon'ble Mr. GROSE.—The answer to the first part of the question is in the affirmative. As to the second part, it is not proposed to pay from Provincial Funds the charges already incurred.

The Hon'ble N. SUBBA RAO PANTULU.—XLVI. With reference to the answer of Government at the last meeting of the Council about the Headmastership of the Mangalore College, is it a fact that Mr. Moss is only a graduate of the Madras University and not of any English University, and was the sum of Rs. 65,000 received by Government on the understanding that the Headmastership would be reserved for a graduate of an English University?

The Hon'ble Mr. GROSE.—The answer to the first part of the question is "Yes," and I must express to the Hon'ble Member my regret that my answer on this subject at last meeting of the Council was misleading. Mr. Moss, though an Englishman and educated in England, took a Madras University degree. So far, however, as Government is aware no objection was raised by the inhabitants of South Canara, to the appointment of Mr. Moss, on the grounds that he did not possess an English degree. With regard to that portion of the question which relates to the terms upon which Government received the donation of Rs. 65,000, copies of G.O., dated 21st September 1865, No. 264, and G.O., dated 15th October 1866, No. 295, Educational, will be supplied to the Hon'ble Member and I will also quote the remarks of the late Acting Director of Public Instruction on the subject; he said:

"It will be seen from the correspondence recorded in G.O., No. 264, Educational, dated 21st September 1865, that the inhabitants of South Canara subscribed Rs. 65,000 towards the establishment of a Provincial school at Mangalore and that they expressed a desire to have a well-educated gentleman and a graduate of an English University at the head of the school. The subscription was accepted by Government and a Provincial school was established. Though Government did not expressly bind itself to the condition that an English graduate should be head of the institution, yet it would appear from the fact that the services of an English graduate in the person of Mr. Ormsby were, on the usual covenant, engaged for the Principalship of the institution and that, when he severed his connection with the department, another gentleman of English education, viz., Mr. Moss, was selected, that Government recognized the moral obligation of complying with the wishes of the people of South Canara. In any case, it will, I think, be admitted that, as remarked by the Collector, there was an implied promise on the part of Government to comply with the condition on which the sum of Rs. 65,000 was subscribed. It was in consideration of these

circumstances, that Mr. Grigg recommended the retention of this institution by Government, when he proposed to hand over the other second-grade colleges to local bodies (paragraph 14 of Mr. Grigg's letter, recorded in G.O., No. 250, Educational, dated 18th April 1885). Up to 31st March 1893, the date of Mr. Moss's retirement, the institution had a permanent English-educated Principal, though occasionally, during the absence of Mr. Moss on leave or his employment on other duty, native graduates filled the place temporarily."

The Hon'ble N. SUBBA RAO PANTULU.—XLVII. Has the attention of Government been drawn to the memorials submitted by the inhabitants of Masulipatam, and the resolutions of the Kistna District Conference passed in June 1893 and 1894, praying the Government to reconfer the privilege of electing Municipal Councillors and the Municipal Chairman of the town of Masulipatam; and will Government be pleased to favourably consider the question of granting the privilege to this important town in the district?

The Hon'ble Mr. BLISS.—The resolution of the Kistna District Conference, stated in the question to have been passed in 1894, has not been found in the records of the Government Office. Before the receipt of the Hon'ble Member's question and subsequently to the issue of the G.O., 1st October 1894, the question of the re-grant of the elective privilege to the Masulipatam Municipality was again carefully considered in communication with the Collector and it was decided that, as it was unlikely that the measure would lead to an improvement in the Municipal administration, it was not advisable to adopt it for the present. The matter will be reconsidered when the administration report of the current year comes up for review.

PETITIONS, &c.

The SECRETARY.—I have the honour to announce that the following fifteen papers relating to the Bill to amend Act IV of 1884 have been transferred to the Select Committee under Rule 45 of the Council Rules—

- (1) From the Chairman, Municipal Council, Nellore, dated 6th Nov. 1894.
- (2) G.O., dated 21st November 1894, No. 121, Legislative.
- (3) From the Acting Collector of Madura, dated 22nd November 1894.
- (4) From M.R.Ry. V. Subba Rao, B.A., Karur, dated 29th November 1894.
- (5) G.O., dated 30th November 1894, No. 123, Legislative.
- (6) From the Chairman, Municipal Council, Ellore, dated 30th Nov. 1894.
- (7) From M.R.Ry. P. P. Karunakara Menon, First Grade Pleader and Municipal Councillor, Calicut, dated 3rd December 1894.
- (8) From the Chairman, Municipal Council, Tellicherry, dated 20th Nov. 1894.
- (9) From W. M. Thorburn, Esq., I.C.S., dated 4th January 1895.
- (10) From the Chairman, Bezvada Municipality, dated 17th October 1894.
- (11) From the Chairman, Municipal Council, Guntur, dated 26th Sept. 1894.
- (12 and 13) From M.R.Rys. M. V. Subramania Aiyar, Manager, *Madura Mail*, and C. Subramania Sastry, Pleader, Madura, dated 18th and 20th Dec. 1894.
- (14) G.O., dated 16th January 1895, No. 2.
- (15) From the Chairman, Municipal Council, Calicut, dated 11th Dec. 1894.

I have also, under the instructions of Government and with reference to the answers given at last meeting, laid on the Council table the following four papers:—

- (1) G.O., dated 12th December 1894, No. 870, Revenue, regarding Kurnool Forest Administration.
- (2) Proclamation of 1806, 1828, and Proceedings of the Board of Revenue, dated 16th September 1873, regarding pepper tax.
- (3) G.O., No. 286, dated 10th April 1891, regarding the transfer of the headquarters of Satyamangalam taluk to Gopichettipalayam, Coimbatore district.
- (4) Paragraph 9 of G.O., No. 562, dated 2nd August 1894, regarding enhancement of water-rate in the Gódavari and Kistna districts.

CANALS AND PUBLIC FERRIES ACT AMENDMENT BILL.

The Hon'ble Colonel J. PENNYCUICK, R.E.—MY LORD,—I beg to introduce a Bill to amend Madras Act II of 1890, the Madras Canals and Public Ferries Act, and to move that it be read in Council. I do not think that there will be much discussion on the subject as the Bill merely effects a small amendment in section 5 of the Act. The present section runs as follows:—

"All vessels carrying goods, animals or passengers for hire on a canal shall be licensed, and all vessels otherwise using a canal shall, if the Governor in Council so directs, be registered."

No distinction was made under the previous Act (Act I of 1870) between boats plying for hire, and those not so plying, and the present section has been found in practice to be unworkable, because it is often impossible to say when goods and passengers are carried for hire. The present distinction not only involves a needless loss of revenue, but throws upon the Canal officers the task of deciding whether the cargo belongs to the owner of the vessel or to some other person. This can only be found out by enquiry, which must be conducted by low-paid subordinates and may result in corruption and inconvenience to owners. It is therefore proposed to substitute the following section for that now in existence:—

"All vessels using a canal shall be either licensed or registered as the Governor in Council may direct."

It was at first intended to simply omit the words *for hire* from the present section, but it was found that this change would compel a great many boats to take out licenses that are not intended to do so. At present the intention is that all vessels used for commercial purposes should be licensed and that others, such as pleasure boats and fishing boats, should be merely registered.

The Hon'ble Mr. PRICE seconded the motion which was put to the vote and carried *nem. con.*

The SECRETARY then read the title of the Bill.

THE CITY OF MADRAS TOBACCO DUTIES ACT REPEALING BILL.

The Hon'ble Mr. BLISS.—MY LORD,—Under rule 34 of the rules for the conduct of business in this Council, I beg to introduce a Bill for the repeal of Madras Act I of 1890 (The City of Madras Tobacco Duties Act). I am not going to make a long statement in support of this Bill. In 1888, the Municipality of Madras first addressed Government on the subject of levying a tax on tobacco imported into the City. The Municipality of Madras found it necessary to raise large sums of money for the improvement of its water works. Money was wanted for filtering the water supplied to the City from the Red Hills tanks, for substituting the closed main system, for the open supply channels, and for erecting additional pumping machines. The cost of these improvements was estimated at twelve lakhs, with an annual charge of Rs. 64,000 for maintenance. In order to find money to carry out this project, the Commissioners recommended the imposition of a duty on tobacco imported into the City of Madras and for this purpose it was necessary to put legislation in motion. A Bill was accordingly introduced into the Madras Legislative Council in 1889, this Bill received the assent of the Governor-General in February 1890. Then came a long period of delay before the Act could be actually put in force. It was necessary to frame by-laws under the Act; and the by-laws had to be approved of by Government. I will not trouble the Council with the details of correspondence that passed between the Municipality and Government on this subject. I will simply say that matters moved very slowly. By-laws were drafted and sent up to Government and Government had to return them for revision. A fresh difficulty presented itself at this stage. It was found that the contemplated works would cost double the sum first estimated and the Municipal Commission accordingly proposed to defer further discussion of the by-laws. It was, however, pointed out that the increase in the estimated cost of the water works was a reason for expediting the introduction of the new tax. Some time afterwards revised draft by-laws were submitted to Government, but they had to be redrawn and further correspondence having taken place it was not till March 1892, that is to say, about two years after the Act was passed, that the by-laws framed under it were published in their final form in the Gazette.

The levy of the duties did not commence till July 1892. Most sanguine anticipations were held as to the collections, the budget estimate for the year 1892-93 being Rs. 1,40,000. But as the levy of the duty did not begin until three months of the year had elapsed and as, in anticipation of the imposition of the duty, a considerable quantity of tobacco had been imported into the city shortly before, it is not a matter for surprise that the President found it necessary to send up a reduced estimate. This revised estimate amounted to Rs. 51,500, but the actual collections were somewhat better. For the whole year of 1893-94 the President estimated a receipt of Rupees 80,000, but the actuals came to only Rs. 35,602. For the first five months of 1894-95, the collections were estimated at Rs. 18,750, but the actuals only came to Rs. 3,096. The fact is it is impossible to levy such a tax in a town like Madras. To give you some idea of the difficulties encountered in collecting the tax, I may mention that there are 15 toll-gates, 24 cart-tracks and 40 bye-paths to be guarded in addition to innumerable passages through gardens, fields and tank-beds. I do not say that it would be absolutely impossible to guard such a boundary efficiently, but the cost of doing so would be so heavy as to swallow up almost all the profits and persons entering the town would be exposed to much worry and trouble. The difficulties in the way of guarding being so great, successful smuggling has naturally been rife. Smuggling depôts have actually been opened at various places outside the municipal limits, for example at Trivattur, Madavaram, Sembiam and Saidapet. On this subject I cannot do better than read what the President writes—

"We have discovered tobacco attempted to be brought in surreptitiously free of duty by being—

- (a) imbedded in straw, road materials, dung cakes, firewood, tanning bark &c., loaded on carts;
- (b) enclosed in head-loads of grass;
- (c) packed in coach boxes and grass and straw baskets and bags attached to carriages of all descriptions, covered with grass and straw;
- (d) secured in closed carriages drawn by horses as if they carried gosha women;
- (e) arranged as layers below seats of carriages with passengers seated thereon; and
- (f) distributed outside the limits into small quantities and thus brought inside as if for personal use."

I am sorry to say that the executive of the municipality has been unable to cope with this systematic smuggling. Another fact which militated against the success of this measure is the provision in the Act for refund. Refund is allowed when tobacco of a kind liable to duty is exported beyond the limits of the city, and the Act forbids that any proof shall be demanded that duty has been paid on the consignment in respect of which refund is claimed. The result is that demands for refunds went on increasing until, in the present official year, the refunds amounted to Rs. 24,886-5-6 between April and August, while the total collection during that period amounted only to Rs. 27,301-11-0; that is to say, the refunds were increasing so rapidly, that it was certain that within a short time they would exceed the receipts. It is reported that a regular system of cheating has grown up in consequence of the provisions relating to refunds; refund being claimed on worthless tobacco that had been smuggled into the city and was then exported for the sole purpose of getting the refund. The result of all these transactions has been that the Municipal Commission has determined to cease the levy of the tax and has suggested the repeal of the Act. It was found, however, that there would for technical reasons be difficulties in the way of immediately repealing the enactment and it was therefore thought best to reduce the amount of the tax to the nominal sum of 10 pie per lb. and to repeal the Act with effect four months after the date of this reduction. The levy of the tax has now actually ceased, for I understand that no attempt is made to collect the nominal duty. As there is no probability of the tax being resumed there is no necessity to keep the Act on the Statute Book and the Bill which I now introduce therefore repeals it.

I now move that the Bill be read in Council.

The Hon'ble P. RANGAYYA NAYUDU seconded the motion which was carried *nem. con.*

The SECRETARY then read the title of the Bill.

VILLAGE OFFICERS' HEREDITARY SUCCESSION BILL No. 4 of 1893.

The Hon'ble Mr. GIBSON.—Before the Council dissolves I request that your Excellency will permit me under Council Rule 23 to make a small motion. At the meeting of this Council on the 20th November last I moved for the appointment of a Committee to consider the Bill to repeal Madras Regulation VI of 1831. Of that Committee the Hon'ble V. Bhashyam Aiyangar was a Member. Since then that gentleman ceased temporarily to be a Member of the Council and thereby lost his seat on the Committee. As, however, your Excellency has been pleased to re-appoint him a Member of the Council, I am desirous of moving that he be re-appointed a member of the Select Committee.

His Excellency having accorded permission under Rule 23, the motion, which was seconded by the Hon'ble S. Srinivasa Raghavaiyengar, was put to the vote and carried *nem. con.*

The SECRETARY having announced that there was no further business to transact, the Council then adjourned *sine die*.

(By order.)

FORT ST. GEORGE,
28th January 1895.

A. BUTTERWORTH,
Secretary to the Council.

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. of 189 , dated from

Proceedings of the Madras Legislative Council, dated 22nd January 1895.

Current No.

of 189 , dated

from

Order 9th February 1895, No 10.
Mr

Communicated to

*the Revenue, Public Works, Judicial,
Educational and Local and Municipal
Departments for the necessary action
with reference to the replies given
in Council.*

The Revenue Department

*with reference to the replies to
questions 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.*

*" Public Works Dept with
reference to the replies to
questions 28 & 34.*

*" Judicial Dept with
reference to the replies to
question 40.*

*" Educational Dept with
reference to the replies to
questions 29 and 30.*

*" Self Dept with refer-
ence to the replies to
questions 9 & 10.*

Question asked 11/11/1893
Answered 11/11/1893
Committee held 11/11/1893
22 Jan 1894

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATE

CURRENT 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.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.