

Legislative (1895) Department.

ORDINARY MS.

G.O., No. 25

Dated 25th March 1895

INDEXED.

[Despatch Abstract.]

LEGISLATIVE COUNCIL QUESTIONS.

Communicating to the Departments concerned for the necessary
action, Proceedings of the Madras Legislative Council, dated 15th
March 1895, with reference to the answers 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.

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 11 A.M. on Wednesday the 13th day of March 1895.

PRESENT:

His Excellency the Right Hon'ble the GOVERNOR OF MADRAS—*Presiding*.
 His Excellency the COMMANDER-IN-CHIEF.
 The Hon'ble Mr. H. W. BLISS, C.I.E.
 The Hon'ble Mr. J. GROSE, M.A.
 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 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 Mr. D. DUNCAN, M.A., D.Sc.
 The Hon'ble Mr. J. F. PRICE, C.S.I.
 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 the Rev. W. MILLER, M.A., LL.D., C.I.E.
 The Hon'ble C. SANKARAN NAYAR, B.A., B.L.
 The Hon'ble GHULAM MUHAMMAD HASAN ALI KHAN BAHADUR.
 The Hon'ble Mr. G. ROMILLY.
 The Hon'ble V. BHASHYAM AIYANGAR, B.A., B.L., Rai Bahadur.

QUESTIONS.

The Hon'ble N. SUBBA RAO PANTULU.—The Hon'ble A. Sabhapati Mudaliyar has not come yet. With your Excellency's permission, I shall therefore read the questions that stand in his name.

His Excellency the PRESIDENT assented.

The Hon'ble N. SUBBA RAO PANTULU for the Hon'ble A. SABHAPATI MUDALIYAR.—
 I. (a) Is it a fact that the whole contract for the road repairs in Malabar was given to one European for three years?

(b) Is it a fact that the Deputy Collector of Cochin made a suggestion that the A system was not working well and must be abolished, and that the work can be managed thereby more cheaply and efficiently?

(c) Is it a fact that some of the members assembled at the meeting to consider this suggestion expressed their opinion that the condition of roads repaired by the European contractor was not satisfactory, and they strongly opposed to the contract being given to one individual?

(d) Is it true that no previous notice was given to the members and that the subject of A system of contract was introduced into the meeting suddenly?

The Hon'ble Mr. BLISS.—The Government has no information and does not consider it necessary to call for any, as the subject referred to is entirely one for the Local Board to deal with.

The Hon'ble N. SUBBA RAO PANTULU for the Hon'ble A. SABHAPATI MUDALIYAR.—

(e) If the Government is satisfied that no regular tenders were called for and that some of the members were opposed to the A system, will the Government be pleased to cancel the resolution confirming the contract to one individual and direct the Board to invite tenders in a regular way, as is done in all other districts, dividing road work into sections or divisions to induce small contractors to offer cheaper rates?

The Hon'ble Mr. BLISS.—(e) Supposing the statements made in the question to be correct, the Government has no authority to cancel the resolution of the District Board, if one in the terms alleged was passed.

The Hon'ble N. SUBBA RAO PANTULU for the Hon'ble A. SABHAPATI MUDALIYAR.—II. Referring to the small article in the *Hindu* of the 22nd instant, reporting an accident by explosion of a blind shell whereby nine persons were killed and two were seriously injured, will the Government be pleased to inquire how this blind shell was left behind at the target, and will the Government be pleased to issue stringent instructions to the military and police authorities to see that no such blind shells are in future left behind after each target practice is over, to prevent ignorant villagers falling victims to such accidents which appear to have occurred more than once.

His Excellency the PRESIDENT.—The Government much regrets the occurrence of this unfortunate accident by which two or three men are reported to have been killed and several injured. The unexploded shell was picked up about 3,000 yards from the target and must have escaped the notice of the search parties, who are sent out regularly after practice to look for such shells; but as the range of the guns is very great and the ground beyond the target is jungle covered with prickly thorn bushes, it will be understood that it is extremely difficult for search parties to find every unexploded shell.

Notices in Tamil, warning the public of the danger of tampering with shells that may be picked up, were distributed by the police in the villages adjacent to the range and the villagers were likewise warned by the Revenue Inspector not to touch such shells but to cover them by placing earth over them if found.

The Military authorities will be asked to suggest any further precautions that they may consider might be adopted with the object of averting such unfortunate accidents as that now under notice.

The Hon'ble N. SUBBA RAO PANTULU, for the Hon'ble A. SABHAPATI MUDALIYAR.—III. (a) Has the attention of Government been drawn to an article published in the *Madras Mail* of the 21st instant, complaining against the nuisance caused by fishermen disturbing the waters of the Cooum, &c.

(b) If so, what measures have been taken or intended to be taken to prevent fishing in the said river and of the sale of fish caught in the said river on sanitary grounds?

The Hon'ble Mr. BLISS.—(a) The Government has now perused the article referred to.

(b) A commission which was specially appointed in 1870 to report upon the subject, and of which the then Sanitary Commissioner and the Secretary to the Inspector-General, Indian Medical Department, were members, found that there was no evidence to warrant the assumption that fish caught in the Cooum were more noxious to health, when eaten, than similar fish taken from water free from sewage.

There appears, however, to be less certainty that the disturbance of the bed of the river caused by fishermen wading in it is not harmful to the public health, and the Government will again take the matter into consideration.

The Hon'ble N. SUBBA RAO PANTULU.—IV. Will your Excellency be pleased to state what reply was given to the memorial submitted by the ryots of Goomsur and Suradā taluks on your Excellency's visit to the Ganjam district in October 1894 and published in the *Hindu* of the 25th January 1895?

His Excellency the PRESIDENT.—The petition was forwarded to the Collector of Ganjam for report. Orders will be passed when the report, which the Collector has been asked to expedite, has been received.

The Hon'ble N. SUBBA RAO PANTULU.—V. (1) Is it a fact that Government was pleased to order the closing of the Waltair orphanage (supported by public subscriptions and a grant from Government) and the sale of the buildings thereof, and will Government be pleased to place on the table a copy of the correspondence which led to the same?

The Hon'ble Mr. GROSE.—(1) The Government did order the closing of the orphanage; the reasons for the step will be found in the correspondence read in G.O., dated 29th June 1894, No. 482, Educational, which has already been placed at the disposal of the Press. From the papers it will be seen that in October 1893 the Committee stated as follows:—"The orphanage is now in such bad repair that it has been condemned, and it is believed that it will be actually unsafe in the event of very heavy rain. The buildings, in fact, are so bad that it will be necessary to pull them down entirely and rebuild them." The Committee also said that, now that there is railway communication between the Northern Circars and Madras, the *raison d'être* for an orphanage at Waltair had considerably diminished, if it had not disappeared altogether.

The Hon'ble N. SUBBA RAO PANTULU.—(2) Will Government be pleased to state the authority under which such orders were issued and why the wishes of the subscribers to the said orphanage were not consulted?

The Hon'ble Mr. GROSE.—(2) "The Government acted upon the suggestion of the Committee of the Orphanage which was supported by the Collector and the Acting Director of Public Instruction. The largest subscriber to the institution was Government which contributed yearly a sum equal to the total amount of the contribution from other sources."

The Hon'ble N. SUBBA RAO PANTULU.—(3) Is it a fact that the said orphanage was founded about ninety years ago by private individual efforts and was the only institution of its kind between Madras and Calcutta, and that when it was closed last year, it was self-supporting with a funded capital of Rs. 3,000 and odd?

The Hon'ble Mr. GROSE.—(3) The institution seems to have come into existence in 1817 and to have been supported at first by voluntary contributions. When it was closed it was certainly not self-supporting; the total receipts during 1893-94 from private subscriptions, fees and petty miscellaneous sources being only Rs. 2,139 against an expenditure of Rs. 3,411. In the early part of the century, the orphanage received assistance from Government on more than one occasion; from 1858 to 1870 the Government contributed annually a sum equal to twice the amount obtained from private subscriptions and, from 1870 until the closure of the school, the yearly grant by the State was equal to the said amount. The so-called 'funded capital' consisted of a balance in hand at the end of 1893-94 amounting to Rs. 3,587, which was of course insufficient for repairing the buildings and meeting ordinary expenses.

The Hon'ble N. SUBBA RAO PANTULU.—(4) Is it a fact that no reply has yet been given to the memorial of the Eurasian and Anglo-Indian community of the Northern Circars submitted in October last to your Excellency through the Collector of Vizagapatam praying for its restoration and that the Rajahmundry Circle of the Eurasian and Anglo-Indian Association promised to the Collector of Vizagapatam a contribution of Rs. 1,000 towards the cost of the repairs of the orphanage buildings and that, in spite thereof, the buildings were ordered to be sold?

The Hon'ble Mr. GROSE.—(4) It is a fact that no reply has been sent to the memorial. The memorial has not up to now been traced in the Government office. Enquiries are being made on the subject. A telegram was received in September

last from the Chairman of the Rajahmundry Circle, Eurasian and Anglo-Indian Association of Southern India, and he was told, in reply, to address the Collector. The Government knows nothing about the alleged offer of Rs. 1,000 but, as I have already mentioned, the Committee considered that the building would have to be re-constructed throughout if the institution were retained.

The Hon'ble N. SUBBA RAO PANTULU.—(5) In view of the aforesaid circumstances and the growing importance of Waltair as the head-quarters of the East Coast Railway, will your Excellency's Government be pleased to favourably consider the question of re-opening the orphanage?

The Hon'ble Mr. GROSE.—(5) The Government is not prepared to consider the question of re-opening the orphanage.

The Hon'ble N. SUBBA RAO PANTULU.—VI. (1) With reference to the answer of Government that no reports were called for from the Board of Revenue or the Member in charge of the Settlement Department in connection with the enhancement of the water-cess, is it a fact that a report was submitted by the Member of the Settlement Department and will Government be pleased to place it on the table?

The Hon'ble Mr. GROSE.—No report regarding the enhancement of the water-rate in the Gódvári and Kistna districts was submitted by the Member in charge of the Settlement Department before the issue of the Government order enhancing the rate. Correspondence has passed subsequently between the Government and the Board which the Government declines to place on the table.

The Hon'ble N. SUBBA RAO PANTULU.—(2) Is it a fact that your Excellency's Government was at first not in favour of the enhancement of the cess, and will Government be pleased to place on the table the correspondence of your Excellency's Government with the Government of India as requested by me at the meeting of the council held on the 20th November last?

The Hon'ble Mr. GROSE.—The Government regrets it is unable to answer the first part of the question or to lay upon the table the correspondence referred to.

The Hon'ble N. SUBBA RAO PANTULU.—(3) With reference to the answer of Government that "the rate of the water-cess is determined on the principle that a fair commercial value should be put on all water supplied," will Government be pleased to state what it means by "a fair commercial value?"

The Hon'ble Mr. GROSE.—"A fair commercial value" is what the supply of water is worth in the open market, but it does not follow that Government would always charge its full value thus gauged.

The Hon'ble N. SUBBA RAO PANTULU.—(4) With reference to the recent notification published in the Kistna and Gódvári District Gazettes extraordinary on or about the 20th February 1895 cancelling the enhancement of the water-rate for the *current fasli only*, and ordering the levy of a general water-rate from the next fasli not exempting land not irrigated for five consecutive years, will Government be pleased to place on the table a copy of the order on the subject?

The Hon'ble Mr. GROSE.—A copy of G.O., No. 774, dated 19th February 1895, and of G.O., No. 870, dated 26th February 1895, will be placed on the table.

The Hon'ble N. SUBBA RAO PANTULU.—VII. (1) Will Government be pleased to lay on the table the report of the District Collector of Kistna recommending the withdrawal of the privilege of electing the chairman and municipal councillors of the town of Masulipatam, and is it a fact that the request of townsmen and municipal councillors to be supplied with a copy of the said report was refused by Government?

(2) Was any opportunity afforded to the said municipal council to meet the charges on which the franchise was withdrawn by Government?

The Hon'ble Mr. BLISS.—(1) The Government is not prepared to lay on the table a copy of the report referred to. No application from the inhabitants or municipal councillors of Masulipatam for a copy of the report can be traced in the Government office.

(2) No. The Government appears to have considered that the Collector's report showed conclusively that the maladministration of municipal affairs rendered the step which he recommended absolutely essential.

The Hon'ble C. SANKARAN NAYAR.—Will your Excellency allow me to ask the questions that stand in the name of the Hon'ble Mr. G. G. Arbuthnot.

His Excellency the PRESIDENT assented.

The Hon'ble C. SANKARAN NAYAR for the Hon'ble Mr. ARBUTHNOT.—VIII. With reference to the Hon'ble Mr. Bliss's answer to my question No. 35 put at the meeting of this Council held on 22nd January whether, as more than seven weeks have now elapsed since the receipt by Government of the letter of the High Court referred to in the said answer, it is proposed by Government to take any action with a view to obtaining the appointment of a Fifth Puisne Judge.

IX. With reference to the Hon'ble Mr. Bliss's answer to my question No. 36 put at the meeting of this Council held on 22nd January whether, as sufficient time has now elapsed for the consideration of the communication from the High Court referred to in the said answer, Government are now prepared to say whether they have it in contemplation to recommend the increase of the limit of jurisdiction of the City Civil Court and, if so, to what extent.

The Hon'ble Mr. BLISS.—VIII & IX. No decision has yet been arrived at in regard to these subjects.

The Hon'ble C. SANKARAN NAYAR for the Hon'ble Mr. ARBUTHNOT.—X. With reference to the Hon'ble Mr. Bliss's answer to my question No. 38 put at the meeting of this Council held on 22nd January whether the High Court has given an opinion 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; if so, will Government be pleased to state what that opinion is and whether an assurance can be given that no change will be made which will tend to increase taxation to suitors.

The Hon'ble Mr. BLISS.—The matter is touched upon in the correspondence now before Government, but it is understood that the High Court does not intend to address Government regarding the introduction of the Court Fees Act scale of fees until Government has passed orders on the question of raising the jurisdiction of the City Civil Court.

The Hon'ble C. SANKARAN NAYAR for the Hon'ble Mr. ARBUTHNOT.—XI. Will Government be pleased to state why no reply has been sent to the letter of the Chamber of Commerce, dated 3rd November 1894, having reference to important changes which it was rumoured were contemplated on the Original Side of the High Court and asking that the Chamber might be given an opportunity of expressing its views before any definite or irrevocable action was taken in the matter; also its letter dated 28th January 1895 requesting that the Chamber might be favoured with a copy of the communication addressed to the Madras Government by the Judges of the High Court and referred to by the Hon'ble Mr. Bliss in his reply to the questions put by myself at the meeting of the Legislative Council on the 22nd January, and a copy of the Judges' reply to the reference from Government 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 Hon'ble Mr. BLISS.—The reply to the letter of the 3rd November from the Chamber of Commerce has now issued; the letter of the 28th January is under consideration along with other correspondence relating to the raising of the jurisdiction of the City Civil Court.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XII. With reference to the answer of the Hon'ble Mr. Garstin to question VI put by me at the meeting of the Legislative Council held on the 5th January 1894, has Government received from the Board of Revenue any report as to whether the allotment of communal lands on patta should be absolutely forbidden? If so, will the Government be pleased to place the report at the disposal of the Press?

The Hon'ble Mr. GROSE.—The report has not yet been received.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XIII. With reference to the answers of the Hon'ble Mr. Garstin to question VIII put by me at the same meeting, will the Government be pleased to state whether plans and estimates for the proposed office for the Collector of Tanjore at Tanjore have been prepared and sanctioned, and what further steps have been taken towards the construction of the requisite office building?

The Hon'ble Colonel PENNYCUICK.—Plans and estimates for the Collector's office at Tanjore have been prepared and submitted to Government. The details

are now under examination in the Chief Engineer's office and the estimate will be re-submitted to Government shortly and, if sanctioned, arrangements will then be made for allotting funds for the work.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XIV. With reference to the answers of the Hon'ble Mr. Bliss to the question III (a) put by me at the meeting of the Legislative Council held on the 7th March 1894, will the Government be pleased to state what has become of the scheme then before Government for the supply of water for the town of Coimbatore?

The Hon'ble Mr. BLISS.—XIV. It having been found that, as the law at present stands, it is impossible to finance the scheme, the question of providing a water-supply for Coimbatore is standing over, pending the passing of the Bill to amend the District Municipalities Act, which provides for special taxation in view to enable water-supply and drainage schemes to be carried out.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XV. With reference to the answer of the Hon'ble Mr. Grose to the questions IV (a) and (b) put by me at the same meeting, has Government received the report called for regarding the manner in which petitions presented to the Settlement officer in Tanjore have been disposed of? and, if so, will the Government be pleased to place it at the disposal of the Press?

The Hon'ble Mr. GROSE.—The report referred to was duly received and disposed of in G.O., No. 1493, dated 13th April 1894. A copy of this order will be furnished to the Hon'ble Member; but Government declines to place the report at the disposal of the Press.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XVI. With reference to the answer of Government to question VIII (c) put by me at the same meeting, has Government received any report from the Inspector-General of Jails as to whether criminals who should have been placed in close prisons have been permitted to work in association with other convicts? and, if so, will the Government be pleased to place the same at the disposal of the Press?

The Hon'ble Mr. BLISS.—The Government has received a report on the subject from the Inspector-General of Prisons and the Hon'ble Member can have a copy of it if he so desires; but the Government does not consider it worth while to print the report and place it at the disposal of the Press.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XVII. Has Government received the final report of the Settlement Department on the new settlement of the Tanjore district? and, if so, will it be pleased to place the same at the disposal of the Press?

The Hon'ble Mr. GROSE.—The report referred to has not yet been received.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XVIII. With reference to the answer of Government to question XXIII-A. put by me at the meeting of the Council held on the 22nd January 1895, has Government received the information referred to, and, if so, will it be pleased to place the same at the disposal of the Press?

The Hon'ble Mr. GROSE.—Yes. The information will be furnished to the Hon'ble Member.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XIX. Has Government received any report on the cost of strengthening the banks of the main irrigation channels in Tanjore referred to in the answer to question No. XXVI put by me at the same meeting? If so, will the Government be pleased to place the same at the disposal of the Press?

The Hon'ble Colonel PENNYCUICK.—No change of practice has been made; during the floods of last year an insignificant amount of temporary work appears to have been done by the inhabitants of their own accord; but this is a common occurrence and does not imply any change in practice.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XX. Has Government received any report on the subject of tope lands referred to in the answer to my question XXX (a), (b) and (c) put at the same meeting? and, if so, will the Government be pleased to place it at the disposal of the Press?

The Hon'ble Mr. GROSE.—The report has not yet been received.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXI. With reference to question VII put by me at the last meeting of the Legislative Council, has Government

received any answer to the reference made to the Superintending Engineer of Tanjore regarding certain lands taken up by the Public Works Department for a river embankment in the Kumbakonam taluk? and, if so, will the Government be pleased to place the same at the disposal of the Press?

The Hon'ble Colonel PENNYCUICK.—In the particular case in question there was considerable delay in obtaining the proper transfer of the land, and the work being urgent the land was entered upon before formal acquisition; there is no reason to believe that the owners raised any objection to this course. The reason for the great delay in obtaining the transfer of the land is not at present clear and further inquiries are being made on this point. It appears to have been mainly due to the difficulty of procuring proper information from the village officials.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXII. If Government has not received the information called for in all or any of the previous questions, will Government be pleased to ascertain and state the reasons for the same?

His Excellency the PRESIDENT.—I may say generally that the information asked for by the Hon'ble Member necessitated references to officials on whom the pressure of work falls heavily: without an extra establishment, which is not at the disposal of Government, it is found impossible to elicit information and tabulate the complicated figures required by the Hon'ble Member with greater expedition.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIII. Will Government be pleased to state whether in the re-settlement of the Trichinopoly district it is proposed to revise or retain the classification and grouping of lands in regard to irrigation as made at the last settlement? If the former, will the Government be pleased to explain the reason for the revision? and will the Government be pleased to place its orders on the subject at the disposal of the Press?

The Hon'ble Mr. GROSE.—The principles on which the re-settlement of the Trichinopoly district is to be conducted, are now under the consideration of Government.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXIV. Will the Government be pleased to place at the disposal of the Press the papers relating to the trial of the money order system as a means of payment by the ryot of the assessment due to Government?

The Hon'ble Mr. GROSE.—The Hon'ble Member is referred to the answer given to a question on this subject asked by the Hon'ble N. Subba Rao Pantulu at the meeting of the Legislative Council held on the 9th April 1894.

The Hon'ble K. KALYANASUNDARAM AIYAR.—XXV. Has the Government before it a proposal for the levy of the professional tax in the municipality of Coimbatore? Is it true that a Sub-Committee of the Council has, on consideration, come to the conclusion that the levy of the tax is unnecessary? and will the Government be pleased to place the Sub-Committee's report and the report of the Collector of Coimbatore on the subject at the disposal of the Press before passing final orders on the subject?

The Hon'ble Mr. BLISS.—Government has not at present under consideration the question of imposing the Arts tax in Coimbatore. The latest information on the subject will be found in G.O., dated 16th February 1895, No. 254 M., which has been placed at the disposal of the Press. As regards the matter referred to in the remainder of the Hon'ble Member's question, Government has no information.

The Hon'ble P. RANGAYYA NAYUDU.—XXVI. Will the Government state—

- (1) whether it is in their contemplation to employ experienced and trained Police Indian Inspectors as Assistant Superintendents of Police;
- (2) whether the Government has submitted any scheme to the Right Honourable the Secretary of State to employ Indians as Assistant Superintendents;
- (3) whether the Right Honourable the Secretary of State has given his approval to any scheme, and if it has been sanctioned, when, and
- (4) will the Government be pleased to lay all the papers connected therewith before the public.

The Hon'ble Mr. BLISS.—The detailed rules for the future recruitment of the higher ranks of the Police Department will shortly be made public; they are now under reference to the Government of India in regard to a few minor points.

The Hon'ble P. RANGAYYA NAYUDU.—XXVII. Will the Government be pleased to state whether it is a fact that in the district of Tinnevely prohibitory assessments were levied on Natham sites? If so, whether it has authorised the Collector to do so. Whether any suits were filed against the Government for the refund of the prohibitory assessments, and, if so, how many suits? Whether the Government has received any memorial from the inhabitants of the taluk of Ambasamudram, and, if so, will the Government be pleased to state how they have disposed of them?

The Hon'ble Mr. GROSE.—Government is not in a position to give a complete answer. The Hon'ble Member is requested to repeat his question at a future meeting meanwhile the necessary inquiries will be made.

The Hon'ble P. RANGAYYA NAYUDU.—XXVIII. Will the Government be pleased to state whether it is a fact that the Paymaster suspended the monthly stipend of Her Highness the Nawab Begam of Carnatic, and whether he has received any instructions from the Government for so doing? If this was done without any instructions from the Government, has the Government taken notice of it?

His Excellency the PRESIDENT.—The Paymaster, Carnatic Stipends, on his own responsibility, withheld payment of the December stipend of Rs. 6,100 of Her Highness Nawab Khair-un-nisa Begam Sahiba, pending a reply from the Committee appointed for the management of Her Highness's affairs to a communication made by him regarding claims against Her Highness. On reporting the fact to Government, His Excellency the Governor in Council directed him to arrange for the early payment of the stipend in full.

The Hon'ble P. RANGAYYA NAYUDU.—XXIX. Has the attention of Government been drawn to the procedure of Mr. Moberly, the Acting Collector of Malabar, at a recent meeting of the District Board (reported in the *Hindu* of 22nd February 1895) in reference to what is known as the A system of road contract in the district of Malabar? Will the Government be pleased to call upon him for an explanation?

The Hon'ble Mr. BLISS.—The attention of the Government has been drawn to the article by the Hon'ble Member's question. The Government sees no sufficient reason for calling upon Mr. Moberly for an explanation.

The Hon'ble Mr. P. RANGAYYA NAYUDU.—XXX. What is the amount of the contract under the A system for the district of Malabar? Is it a fact that the contractors in North and South Malabar are Europeans? Was the contract under this system ever given to Natives in Malabar?

The Hon'ble Mr. BLISS.—The Government has no information on the points alluded to and, as they refer to matters entirely within the discretion of the local boards, does not propose to call for any.

The Hon'ble P. RANGAYYA NAYUDU.—XXXI. In view to the alleged universal complaint in Malabar against the A system of road contract and the alleged extremely unsatisfactory condition of the roads maintained under that system and the alleged waste of public money caused by it, will Government be pleased to disallow its continuance and order the introduction of the tender system?

The Hon'ble Mr. BLISS.—The Government has no power to interfere in a matter in regard to which a discretion vests by law in local bodies.

The Hon'ble P. RANGAYYA NAYUDU.—XXXII. Has the attention of Government been drawn to the letter, dated 18th November 1894, from Mr. Moberly to a Deputy Magistrate published in the *Madras Standard* of 23rd February 1895? Is the Government aware that that letter was considered by the High Court "injurious"? Will the Government call upon the District Magistrate to explain why he thought it necessary to have this simple assault case tried by a first-class Magistrate instead of by an ordinary third-class Magistrate and why he should have taken the trouble of officially intimating to the Deputy Magistrate his personal opinion of the character of the accused?

The Hon'ble Mr. BLISS.—The attention of Government has been drawn to the letter in question by the Hon'ble Member's question. The Hon'ble Member from the wording of his question has apparently overlooked the fact that Mr. Moberly wrote to the Deputy Magistrate as Collector and Agent to the Court of Wards, not as District Magistrate. If the article in the *Madras Standard* is correct in stating that the High

Court characterised Mr. Moberly's letter as injudicious, Government has only to remark that it agrees with the High Court, but sees no reason to take any action in the matter.

PETITIONS, &c.

The SECRETARY.—I have the honour to report that the petition from M.R.Ry. N. Coopoosawmy Aiyangar, Public Works Contractor, Dindigul, dated 6th February 1895, and G.O., dated 2nd March 1895, No. 16, have been transferred under rule 45 to the Select Committee on the Bill to amend Act IV of 1884 (the Madras District Municipalities Act). A petition has also been received from the Secretary, Cuddapah District Association, dated 6th March 1895, on the subject of Village Officers Hereditary Succession Bill. This has been printed and circulated and it may perhaps be taken as read.

ACT ASSENTED TO BY THE GOVERNOR-GENERAL.

His Excellency the PRESIDENT.—I have to announce the assent of His Excellency the Governor-General to Madras Act I of 1895 (an Act to repeal the City of Madras Tobacco Duties Act, 1890).

VILLAGE OFFICERS HEREDITARY SUCCESSION BILL.

His Excellency the PRESIDENT.—We now come to the consideration of the Village Officers Hereditary Succession Bill. The Hon'ble Mr. E. Gibson will address the Council.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—My Lord, before proceeding to the consideration of the Bill, I beg your Lordship's permission for moving certain amendments which it is found necessary to make in the Bill. Several of these amendments are suggested in the petition addressed to this Council by the Cuddapah District Association. They are mostly of a technical character and will be generally agreed to. Under these circumstances, I request your Lordship's permission to bring forward these amendments.

His Excellency the PRESIDENT.—The permission is granted.

The Hon'ble S. R. RAMASUBBAIYAR.—My Lord, I beg to move, with your Lordship's permission, for an adjournment of the discussion of the Bill. I am very sorry to move for this adjournment, but I am obliged to do so, considering that I had not sufficient notice to propose amendments to this Bill. There was no notice given of the intention of the mover of the Bill to move that the Bill be taken into consideration to-day. I think members are entitled to notice long before—more than six days before—the date on which the Bill is intended to be brought up for consideration. No doubt the agenda paper gives notice of the business of the meeting, but I believe that was the first intimation given to the members that the Bill would be taken into consideration to-day. That certainly was not in sufficient time to enable members to propose amendments. I submit, my Lord, that the rules are distinct upon this question. Rules relating to the matter are 48 and 23. No. 48 runs in these words:—"Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 23, and the Secretary shall enter the same in the printed statement of business prepared under rule 7; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequent upon, or moved in respect of, amendments which have been carried." Rule 23 says—

"Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting, or must send such notice in writing to the Secretary at least six clear days before the day fixed for the meeting at which they intend to make the motion, provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given."

So that members ought to have notice of the fact that a Bill is going to be moved for the purpose of being taken into consideration on a particular day; and the members are entitled to have six days' notice. Of course, it cannot be said that the three days' notice provided by section 7 is intended to meet the case of amendments

at all. That is simply for the purpose of giving notice to members that the meeting will be convened on a particular day. I therefore beg to move that the consideration of the Bill be adjourned to some other day.

His Excellency the PRESIDENT.—Do I understand you to move for an adjournment on account of the infringement of any rule, or do you simply negative the Hon'ble Mr. E. Gibson's motion?

The Hon'ble S. R. RAMASUBBAIYAR.—I move on the ground that rules 23 and 48 have been infringed.

His Excellency the PRESIDENT.—It is extremely unfortunate that the Hon'ble Member did not give sufficient notice of this amendment. It causes considerable inconvenience to Government to have motions brought forward in this way.

The Hon'ble S. R. RAMASUBBAIYAR.—I express my regret, My Lord. I had first notice of this only after the agenda paper was circulated, which was two or three days ago.

The Hon'ble Mr. BLISS.—With reference to the Hon'ble Member's remark that he knew of it only when the agenda paper was circulated, I beg to state that at the last meeting of the Select Committee at which the Hon'ble Member was present, he learnt that it was the intention to bring the Bill after the proper time had elapsed for the presentation of the report.

The Hon'ble S. R. RAMASUBBAIYAR.—I was not present at the meeting of the Select Committee and I had no idea that the Bill was going to be taken into consideration at this meeting. I am not on the Select Committee.

The Hon'ble Mr. BLISS.—I beg the Hon'ble Member's pardon. I made a mistake.

His Excellency the PRESIDENT.—Does any Hon'ble Member second the motion?

The Hon'ble A. SABHAPATI MUDALIYAR.—Yes, My Lord, I second it.

THE Hon'ble N. SUBBA RAO PANTULU.—My Lord, I just wish to say a few words on the motion, to show why this adjournment should take place. Of course, it may be urged that there is nothing illegal in the discussion going on, the Hon'ble Member in charge of the Bill having apparently given notice of the motion coming on at this meeting according to the rules. If the Hon'ble Member did give only six days' notice that this Bill was to come on for discussion to-day, where is the opportunity for the Hon'ble Members of the Council to send notice of amendments with regard to this Bill, of which three days' notice only has been given? So far as I am concerned, I may say I had a strong suspicion that this Bill would come on suddenly before the Council, and I have been inquiring when this Bill would be coming up. I obtained telegraphic information as to this Bill, and I was thus able to send in my amendments in time. We find that the Hon'ble Member, Mr. Ramasubbaiyar, did not know that this Bill was coming on for discussion at this meeting until the agenda paper was received by him. I dare say there will be others who were similarly not in a position to give notice of amendments. Moreover, I may mention, that this Bill now comes before us in altogether a different shape from what it was when the first Select Committee presented its report to the Council. The Bill, I may mention as it stands, is a legal conundrum, and I shall be very much surprised if there are many members of the Council who understand thoroughly the various bearings of the different provisions of the Bill with regard to the several classes of officers concerned in it, which are all compressed in a Bill of 26 sections. I think it is only right, considering the very abstruse and difficult manner in which the language of the Bill has been couched, that some more time should be accorded not only to the public but also to the members of the Council. The spirit of the rules, I submit, is that sufficient notice should have been given to the members of the Council of what was coming on for discussion. It may be urged that once the Select Committee's report is circulated to the Hon'ble Members of the Council, they must be prepared for the discussion of the Bill sooner or later and they must therefore send in their amendments in time. We have had experience not only from this Bill, but also from other Bills, that when the first Select Committee's report is presented to the Council discussion does not always take place. For instance, when the report on the Proprietary Estates Bill came up before the Council, we could not know definitely when it would be brought up for discussion. Looking at the way in which things have been going on and at the way in which this Bill is drafted and the numerous changes made in it, and the difficulty

of the terminology of the Bill, I think it will be in keeping with the spirit of the rules that there should be an adjournment of the discussion on the Bill to some other day.

The Hon'ble Mr. E. GIBSON.—I beg leave to oppose this amendment. It is a well-known presumption of law that every man is supposed to know the law by which he is governed, and the Hon'ble Mr. Subba Rao is doubtless acquainted with that presumption. As regards the rules, they require that the Bill should be published for a certain time in the *Fort St. George Gazette* before coming on for discussion; and it is open to the Council to admit a discussion on it at any time after this period has elapsed. With regard to the Hon'ble Subba Rao's objections, they come with very poor grace from him, considering that he has himself submitted to the Council a long series of amendments, all of which have been admitted, and which will be considered in due course when the discussion of the Bill is allowed. As a matter of fact, the report of the Select Committee was published in the *Fort St. George Gazette* on Tuesday, 5th February, which is nearly six weeks ago, and there has been ample notice for every one interested in the measure to bring forward amendments.

The Hon'ble N. SUBBA RAO PANTULU.—With reference to the remarks of the Hon'ble Member, I may mention that several amendments have struck me, which I have not sent in, because, as a matter of fact, I had not six days' notice to give.

The Hon'ble Mr. C. S. CROLE.—My Lord, it occurs to me that your Lordship should give some consideration to the Hon'ble Mr. Ramasubbaiyar's motion for the adjournment of the debate on the Bill. For myself, I am a sinner in the same way as Mr. Ramasubbaiyar. I imagined up to the moment that I received a communication on the subject from the Secretary to the Council, that unless there was a substantive motion before the Council an amendment, which always means a counter-motion, would not be in order. I considered, therefore, that, until I got the notice of the motion for the introduction of the Bill before this Council, I should have been out of order had I proposed an amendment. But time went on, and I received no notice of the business before the Council, but only that there was to be a meeting. The history of the Bill led me to entertain very grave doubts as to when this Bill would come on. This is not the first time there has been a report of the Select Committee. The first report was never placed before the Council. On reading the Bill I entertained such very grave doubts as to the propriety of introducing such a Bill as this at this meeting, that I imagined that the Hon'ble Mr. Gibson's well-known prudence and caution would come to his aid and that he would not introduce the Bill on this occasion. However I happened to be mistaken. I wrote to the Secretary of the Council to ascertain whether the Hon'ble Mr. Gibson intended to introduce the Bill and pointed out to him what I have mentioned to your Lordship, the great difficulty I was in, in regard to sending in amendments on account of there being no substantive motion and no communication of the motion to be made. The Secretary was good enough to inform me on the 7th that the Bill would certainly come on, and that was the first intimation I had that it would come on. The Secretary referred to rule 7, and said that I had no right to receive any notice of the meeting before the 9th. The rule reads as follows:—"At least three clear days before the date fixed for the meeting, the Secretary shall send to the Madras address of every member a printed statement of the business to be transacted at such meeting". That is all very fine, but the Secretary has arrogated to himself the right to adopt the minimum notice as a normal notice, and I respectfully submit to your Lordship that he ought to have recollected that there are other rules governing the business before the Council, according to which such minimum notice would take away the liberty of action of the members and deprive the Council of free discussion in the matter. When I brought this to the notice of the Secretary, I wrote to him at the same time to address your Lordship with a view to admitting my amendments, although it was one day too late. I received the Secretary's communication on the 7th, and I wrote that very evening thus giving only five days' clear notice instead of six. But your Lordship has been gracious enough to overlook that one day, and has admitted my amendments. All Hon'ble Members are not equally conversant with the way in which the official business is conducted. I can well understand an Hon'ble Member standing aghast with three days' notice of the Hon'ble Mr. E. Gibson's motion. What I would suggest is that the Hon'ble Mr. Ramasubbaiyar and those who think with him should have some regard for the time and trouble which the official members of this Council have necessarily devoted to the preparation for the discussion

of this Bill that an arrangement should be made by which any amendment which they consider ought to be proposed should be sent in during the extra time that will be granted to them by your Lordship, and that, in the meantime, the discussion of the Bill may be proceeded with. I simply throw this out as a mere suggestion.

His Excellency the PRESIDENT.—If I follow the Hon'ble Member who had just spoken, I do not quite understand how we can have the agenda paper printed with the amendments and circulated according to the rules.

The Hon'ble Mr. C. S. CROLE.—Rule 7 says that at least three days' notice should be given, but it is not necessary that the Secretary should cut us down to three days; he might give us thirty days. The Council meeting is announced under rule 2, and the time and place of meeting are fixed by the Governor, and the Secretary is bound to notify the same to each member by a letter. I would suggest for your Lordship's consideration that it would be fitting if, in writing to each member about the meeting, the Secretary should give a general idea as to what business is to come on before the Council. I honestly say that I did not expect this Bill to come before this meeting. Why should there not be a *nota bene* or *postscript* in the notice of the meeting in regard to the business that may come before the Council? Then any objection of this sort could not be urged. The Council is young as yet and the rules are not very well understood by anybody, I suppose. There are a few defects which I think may well be amended when the rules come to be revised.

The Hon'ble V. BHASHYAM AIYANGAR.—The objection raised by the Hon'ble S. R. Ramasubbaiyar seems to be well founded. Section 48 provides that notice of amendment shall be given at least six clear days before the date of the meeting. Section 23 provides:—"Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting, or must send such notice in writing to the Secretary at least six clear days before the day fixed for the meeting at which they intend to make the motion, provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given." No doubt, if notice of the meeting is given a fortnight before the day fixed for the meeting, it is open to anybody to send a notice of any substantive motion to be taken into consideration at that meeting. He need not know what is the business that is going to be transacted at the meeting. Whatever may be the business that is going to be acted at the meeting which has been fixed, it is open to him to give notice of a substantive motion. I apprehend that no member can give notice of an amendment in respect of some business which is to be transacted at the meeting, unless it is declared that a certain motion is going to be brought forward before that meeting. The amendment necessarily implies a substantive measure or motion before the meeting; and, inasmuch as section 48 provides "That any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with rule 23. . . .", it necessarily follows, that he has at least six days before the time when the Bill is going to be considered in Council. Therefore, taking sections 48 and 23 together, it seems to me that every member of the Council if he means to propose any amendment to a Bill which is going to be taken into consideration at this meeting, is entitled not only to a notice of fifteen days as to when a meeting is to take place, but also to a notice of at least six days before the date of the meeting that such and such a measure is going to be taken into consideration at that meeting. Section 47 is really not in conflict with this view. Section 47 says:—"When a Bill has been referred to a Select Committee under Rule 34, it shall not be taken into consideration by the Council unless copies . . . shall have been sent to Madras address of each member," and it does not say that when a Bill has been referred to a Select Committee under rule 34, it can be taken into consideration after the copies and other copies had been sent to Madras to the address of each member. It does not say that when the conditions prescribed by section 47 alone have been complied with, it may be taken into consideration; but all that the section 47 says is, if you have not complied with the conditions prescribed by section 47, you shall not take the Bill into consideration. It simply says that you are not to take it into consideration, until the expiration of some time, after complying with the conditions prescribed in section 47. As regards Rule 7, it seems to me that at first sight it might seem to imply that three days' notice is sufficient; yet when you take it along with other sections, and bearing specially in mind the express mention of the words "at least," it seems to me that if a Bill is going to be taken into consideration, then you must give at least seven or eight days' notice; but

if there is any other business which is going to be taken into consideration at the meeting of the Council then three days' notice would be enough, because in the matter of a Bill more than six days' notice is by implication made necessary under other rules. There may be other business to be transacted at the meeting of the Council in respect of which seven or eight days' notice may be unnecessary. There is nothing whatever to prevent the agenda paper from being sent out ten or fifteen days before the meeting, simply mentioning the Bill which is going to be considered at the next meeting. A supplemental agenda paper may be sent three days before the meeting, if there is any other business to be transacted at the meeting which does not involve the consideration of a Bill. Therefore each member has a right to send in his amendments, and this he cannot do until he received the agenda paper. As a matter of fact, in this case the Hon'ble Ramasubbaiyar received the agenda paper only some four or five days ago, stating that this Bill is going to be taken into consideration at this meeting, and he was not able to send his amendments.

The Hon'ble Mr. BLISS.—I think I understood the Hon'ble Member sitting opposite, when speaking of the complicated nature of the Bill, to allude to the provisions found in section 3, where there is certainly an elaborate classification of the village officers. If that section as it stands now had been suddenly placed before the Hon'ble Members, it might give them cause to ask for a longer time to consider it. I beg, however, to point out that this section in its entirety has been published ever since some day late in December 1893, or beginning of January 1894. As far as I can make out, it was a part of the Bill as amended by the original Select Committee. Now, in the report of the original Select Committee on this Bill, I find the signature of Mr. Garstin. To my certain knowledge Mr. Garstin left Madras on the 9th January 1894. Therefore I think it may be concluded that this particular provision of a complicated nature has been before the world for some fifteen months. I think on this ground the Hon'ble Member has hardly made out a case. With reference to what Mr. Bhashyam Aiyangar has said in regard to Rule 47, I think it is rather a pity that he did not read down to the end of it. The rule begins by saying that when a Bill has been referred to a Select Committee under rule 34, it shall not be taken into consideration by the Council, unless certain conditions had been complied with as to the time within which the report of the Select Committee and the Bill should be circulated and published, and so on. Then it goes on "subject to these conditions the member in charge of a Bill when presenting the report of the Select Committee to the Council—that is what Mr. Gibson now proposes to do—"may move that the Bill and report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting." The discretion whether to proceed at once or otherwise rests entirely with the Hon'ble Member in charge of the Bill, provided that the prior conditions that the report of the Select Committee and the Bill as amended have been published for a certain time, are complied with. As to the time that has been allowed being insufficient, it has already been pointed out by the Hon'ble Mr. Gibson that the report of the Committee and the Bill as amended were published as far back as the 5th of last month, so that the provisions of the earlier part of the rule have been fully complied with. I think it is worth the consideration of the Council whether, as His Excellency has pointed out, if you are to adopt the course which is now proposed, it will ever be possible to comply with the rules and prepare the agenda paper.

The Hon'ble Mr. GIBSON.—As there seems to be a feeling amongst several members of the Council owing, apparently, to a misapprehension, that a sufficiently long notice of the motion was not given, I am willing to agree to a motion for adjournment until Tuesday next, if that will meet the objection of the Hon'ble S. R. Ramasubbaiyar.

The Hon'ble P. RANGAYYA NAYUDU.—In addition to the arguments adduced in favour of the adjournment, I have to say that I do not see any necessity for hurrying over the consideration of this Bill this time. On the last occasion when the Proprietary Estate Village Service Bill was discussed, it was hurried over during the Christmas holidays, because the Hon'ble gentleman who was in charge of the Bill was about to leave India. I do not think that any such necessity exists in this case. This Bill does not affect either the Government or the public. In fact it is resuscitating Regulation VI of 1831, which was all along a dead letter. Therefore I do not see why this Bill should be hurried through now.

The Hon'ble Mr. CROLE.—I must say a word in regard to the various heavily worked officials. I would suggest for the consideration of the Council that the discussion should not be stopped, but to suit the convenience of Hon'ble Members, after the discussion has gone on as far as may be, your Lordship might entertain proposals for adjournment. For my part I am prepared to go on. If a week's adjournment is now granted, it will take some time for me to prepare again and it will involve heavy labour to me to go over what I have already done.

His Excellency the PRESIDENT.—If we are to discuss the various sections of the Bill and agree to certain alterations, further consideration a week hence will entirely upset to-day's work. If we are to do it at all, we must do it straight away with the absolute knowledge that what we do will not be upset. For my part, I prefer to start with a clean sheet.

The Hon'ble S. R. RAMASUBBAIYAR.—The Hon'ble Mr. Gibson's suggestion about a week's adjournment is quite acceptable to me.

The Hon'ble S. SRINIVASA RAGHAVAIYANGAR.—I beg, My Lord, to support the Hon'ble Mr. Gibson's suggestion and to suggest that if any amendments are brought forward, though they be late by a day or two, your Lordship, in view of the circumstances, should permit them to be received.

His Excellency the PRESIDENT.—We will accept amendments till Saturday but in that case we shall have to do away with Rule 7.

The Hon'ble Mr. C. S. CROLE.—There is another point which Mr. Gibson and the Select Committee have not dealt with whether they are in order in placing this Bill before the Council at all. As your Lordship proposes to grant an adjournment, it will be perhaps better if this point should be considered in the interval. I refer to the nature of the Bill originally introduced by Mr. Garstin on the 14th November 1893. I would ask permission to go back to February 1893, when Mr. Garstin introduced legislation affecting village officers in permanently-settled estates. The idea in his mind at that time was clearly to divide legislation affecting village officers into two branches, one affecting the Zemindaries and the other affecting the Government ryots. In Mr. Garstin's departure, we have lost a very great authority on such subjects, who devoted his time to the details of Revenue matters, and especially in regard to these establishments. I lay the very greatest stress on this division which he made and which he left behind him. The Bill which he introduced in February 1893 was ostensibly to settle the zemindari village officers. It is quite clear that the state of the village establishment in zemindaries is perfectly different and distinct from the state and condition of the officers in ryotwari tracts under Government. Regulation VI of 1831 was passed to govern conditions of the administration in both tracts, but the Regulation VI of 1831 became a dead letter as regards the zemindari tracts. One of the main motives for passing Regulation VI of 1831 was to introduce an immediate control of the Collector over the whole of the village establishments. I defy any contradiction when I say that during my time in India, at all events that is for thirty odd years, no Collector has interfered with the appointment or supervision of the village establishments in zemindaries.

His Excellency the PRESIDENT.—This discussion is rather an informal one; the Hon'ble Member is apparently going into the principles of the Bill.

The Hon'ble Mr. CROLE.—My Lord, I was only going to point out the distinction between the two tracts which is of a marked character. I shall pass over the first Bill. The second Bill was introduced with pure reference to Government tracts. The first section of the Bill distinctly says that it does not refer to proprietary estates to which the first Bill—the Proprietary Estates Bill—extended. Now in the Bill produced by the Select Committee we have it extended to these very tracts, to which it was not contemplated originally to extend the Bill. I quite grant that in the Select Committee's report which Mr. Garstin signed in December 1893, this extension was made; but Mr. Garstin never brought that forward before the Council and never asked the Council to consider it. It has never been placed before the Council up to this time as a substantive motion such as Mr. Gibson has placed on paper. Now the question to be put before your Lordship is: when this Council gave permission on the 14th November to introduce the Bill regarding village services in Government tracts, did it ever contemplate that the Bill would eventuate into a provision for dealing with village services in zemindari tracts? If the Council did not give such permission, I

submit to your Lordship that the Select Committee is not in order in asking us to consider this Bill. That is my point. I would suggest that this point may be taken into consideration during the adjournment which your Lordship is willing to grant.

His Excellency the PRESIDENT.—The question is whether this motion for adjournment is agreed to.

The Hon'ble Mr. GIBSON.—Before that motion is put to the Council, I wish to present the report of the Select Committee and to move formally that the consideration of the Bill be postponed under Rule 47 until Tuesday next.

The Hon'ble V. BHASHYAM AIYANGAR.—I second it.

His Excellency the PRESIDENT.—The question is whether the Hon'ble Ramasubbaiyar will withdraw his in favour of Mr. Gibson's motion.

The Hon'ble S. R. RAMASUBBAIYAR assented.

His Excellency the PRESIDENT.—The motion of the Hon'ble Ramasubbaiyar is by leave withdrawn.

The Hon'ble Mr. BLISS.—Before we separate I think I had better point out that the Hon'ble Mr. Crole has fallen into a considerable inaccuracy. When Mr. Garstin brought forward that Bill which has now become Law as the Madras Proprietary Estates Village Service Act II of 1894, he intended that it should deal with all the village officers in proprietary estates, and that it should be supplemented by a Bill dealing with the village servants in Government villages. This arrangement was abandoned and the first Bill was modified so as to apply to some only of the officers in proprietary estates, the others being left to be dealt with in the present Bill. There is nothing to object to in this. It is quite correct.

The Hon'ble P. RANGAYYA NAYUDU.—Is the Hon'ble Member in order? The motion is for an adjournment?

His Excellency the PRESIDENT.—The question before the Council is that the consideration of the Bill be postponed and on that motion the Hon'ble Member is speaking.

The Hon'ble Mr. BLISS.—As far as I can make out the Hon'ble Mr. Crole has fallen into an error. It is quite true that the original idea in Mr. Garstin's mind was that he should have two Bills, one having reference to village officers in proprietary estates and the other to village officers in Government estates. Now we have passed one of these Bills, which stands in the Statute book in the shape of Act II of 1894 and the Hon'ble Mr. Crole, as I understand, raises the point that the report of the Select Committee and the Bill now under consideration are so to speak, *ultra vires*, because the new Bill contains a lot of new matter, the introduction of which has never been assented to by the Council. That is perfectly true. But what he failed to point out is that the section providing for the procedure in suits was cut out from the Madras Proprietary Estate Village Service Act on the understanding that the procedure should be completely provided for in the Bill which has now to be considered. That is the reason why this Bill now extends as it did not originally extend to the village officers in proprietary estates. It will be within the recollection of those members who are now on the Select Committee whether this was so or not.

The Hon'ble Mr. CROLE.—I am not bound to plead guilty to the inaccuracy pointed out by the Hon'ble Mr. Bliss, unless he gives dates and exact proof. When Mr. Garstin introduced the present Bill he stated certain reasons for introducing it. He also gave a statement of objects and reasons for placing it before the Council, not one of which had reference to the section that is cut out. The fact of the matter is that the alleged cutting out of the section took place after Mr. Garstin took leave to introduce the Bill on the 14th November.

The Hon'ble A. SABHAPATI MUDALIYAR.—Before your Lordship puts the motion to the vote, I beg to propose, with your Lordship's permission, that, as this Bill affects a large number of zemindaries in the Presidency, a Counsel on their behalf be heard at the next meeting of the Council so that they may have an opportunity of making the Council understand what their views are.

His Excellency the PRESIDENT.—The question now before the Council is that the consideration of this question be postponed to Tuesday next.

This was put to the vote and carried.

The Hon'ble A. SABHAPATI MUDALIYAR.—I may also mention that on a former occasion, when the first Bill was being discussed, we allowed Counsel to be heard.

The Hon'ble C. SANKARAN NAYAR.—If we are to hear Counsel at all, it is much better we hear him now.

The Hon'ble Mr. BLISS.—I rise to point out that no notice whatever of this motion has been given. I therefore object to it.

The Hon'ble V. BHASHYAM AIYANGAR.—Under section 23 notice ought to have been given of this motion.

His Excellency the PRESIDENT.—If it is the wish of the Hon'ble Member to bring forward this motion, he must give six days' notice. Under the circumstances I am not prepared to accept it now.

The Hon'ble C. SANKARAN NAYAR.—May I venture to suggest that the Counsel may be heard now rather than that we should put it off till the next meeting, as notice of the motion is pretty sure to be given to-morrow.

The Hon'ble Mr. BLISS.—If the notice is given to-morrow, it will not be in time.

The Hon'ble N. SUBBA RAO PANTULU.—We understood that that objection would not be taken.

CANALS AND PUBLIC FERRIES ACT.

The Hon'ble Colonel PENNYCUICK, R. E.—I beg to move that the Bill to amend Madras Act II of 1890 (the Canals and Public Ferries Act) be passed into law. I do not think I need detain the Council with any remarks, as the object of the Bill was fully explained by me on the last occasion. I will therefore content myself with simply moving the proposition.

The Hon'ble Mr. J. F. PRICE.—I beg to second the motion.

The motion was agreed to by the Council, *nem. con.*, and the Bill was passed into law.

His Excellency the PRESIDENT.—I only wish to emphasize what I said before that if Hon'ble Members spring motions suddenly on the Council it naturally causes a great deal of inconvenience to the Members of Government. We are desirous of meeting the wishes of Hon'ble Members as far as we can, but I hope they will understand that, with regard to the official members, all arrangements had been made for spending a heavy day in the Council room and all those arrangements have been entirely upset by the motion for adjournment. The result is serious interference with the work of officers whose duties are extremely onerous and pressing.

The Hon'ble S. R. RAMASUBBAIYAR.—I am extremely sorry to have caused any inconvenience, but I came to know of the Bill only when the agenda paper was sent to me.

His Excellency the PRESIDENT.—You could have told us about your motion three days ago. The next meeting of the Council will take place at 11 o'clock on Tuesday.

The SECRETARY.—There is no further business before the Council, your Excellency.

The meeting then dissolved.

A. BUTTERWORTH,
Secretary to the Council.

Proceedings of the Madras Legislative Council, dated 13th March 1955.

Again G.O., dated 189 , No.

Current No. _____ of 189 _____, dated _____ from _____

Order 25 March 195, No 25-
Miss-

Communicated to
the Departments concerned for
the necessary action -

25/3

To,
The Judicial Dept with
reference to the most recent
Circular to the
XVI & XXII

- 11 - Parliament Dept with reference
to answer given in Council to
Question XXVIII.

✓ DESPATCHED Military Dept with reference
27 MAR 95 to consider given to Question

IN ^{MS} Public Works Dept 2
S. Questions XIII XXI

- 11 - Locust & Munt Sept 8
 & Questions III (6) & XIV

✓ -11- Receipt ✓ 5 ✓ 5 ✓ 5
to Question IV, VI (4), XII

(total) ~~XVII~~, XVIII, XX, XXIII

Edwcl Dept. D.
to Question V (41)

Legislative Council
Questions

When given for copying _____
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When examined _____
When signed _____

READ AGAIN G.O., No.
189 ,

DATED

CURRENT No.

ENCLOSURES TO C. No

ORDER OF GOVERNMENT

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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