Public Works (1896) Department.

G.O., No. 4639

Dated 28-5-96

[Despatch Abstract.]

Questions put at the Legislative Council. Proc: Legislative Department communicating — held on 5th April 1896, and the answers thereto; for necessary action with reference to the answers to certain Questions, communicated to the Supdg: Engineer, VI Circle, and his attention drawn to the answer to the question No 2. vi(4).

[P.W. 58, 2,000—25-10-95.]

BACK PAPERS.

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

FURTHER PAPERS.

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

W. CURRENT No. 4568

Encl 1

Recd: 18-5-96

No. 463 I. dated 28th May 1896.

Communicated to the Superintending Engineer VI Circle whose attention is drawn to the answer to the Question No I VI (4)

Recd 13/5/96

To The Chief Engr. for Irrgt. & SE VI Circle

Issued 7.5.96

Recd 24/5/96

[G. 53]

Legislative *Department.*

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

Questions put at the meeting of the Legislative Council held on the 8th instant, and the answers thereto.

-------E E E-------

ORDER, No. 40, Legislative, Dated 9th April 1896.

Communicated to the Public, Judicial, Educational, Local and Municipal, the Revenue and the Public Works (Railways and Irrigation Branches) Departments for information,

Public. . . . . XLVI.
Judicial. . . . . VI. & XIV.
Educational. LX (3) & (4).
Revenue. XVI., XVIII., XIX., XXV., LII (d), LIII. (b)., & LVI.
Public Works (Educational). LVI.(4)

and for such action as amy be necessary with reference to the answers to the questions as marginally noted.

(True Extract)

(Signed) J.F.Price.

Chief Secretary.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

NOTICES FOR THE MEETING OF THE COUNCIL ON WEDNESDAY, THE 8TH DAY OF APRIL 1896.

(1) *Additional Members.*

The following gentlemen take their seats as additional members of Council :—

The Hon'ble Mr. J. STURROCK.
The Hon'ble Mr. H. M. WINTERBOTHAM.
The Hon'ble the RAJA OF BOBBILI, K.C.I.E.

(2) *Financial Statement.*

The Hon'ble Mr. H. W. BLISS, C.I.E., explains the Annual Financial Statement for 1896–97.

(3) *Questions.*

With the permission of His Excellency the President—

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR asks the following questions :—

I. Will the Government be pleased to state the cause of the recent outbreak among the Mappillas in Malabar ?

The Hon'ble Mr. Bliss—

I. The Government is unable to state with any certainty the causes of the outbreak.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

II. What is the number of Mappillas that have been killed in the recent disturbance ?

The Hon'ble Mr. Bliss—

II. Ninety ; three others died subsequently of their wounds. Of these ninety-three, ninety-one were killed at Manjéri and two by the Police subsequently.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

III. Were all those that have been killed rebels ? Were there any children among them and persons that were forced to join the party ?

The Hon'ble Mr. Bliss—

III. The Government is not yet in possession of accurate information in the matter.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

IV. Did the local authorities take all the possible steps to prevent the extension of the outbreak ? Were any steps taken to secure the surrender of the Mappillas, with the assistance of their leaders or otherwise, without resorting to the extreme measure that has been taken ?

The Hon'ble Mr. Bliss—

IV. To the first part of the question the answer is "Yes, as far as the Government is aware," and to the second part "Government is not yet in possession of full information on this point."

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

V. What is the present state of the country and has quiet been restored?

The Hon'ble Mr. Bliss—

V. The Government is informed that there is some dacoity in the affected taluks and considerable alarm among the Hindu population. The Police are actually engaged in restoring order.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

VI. What is the object of Mr. Winterbotham's mission to Malabar?

The Hon'ble Mr. Bliss—

VI. The order deputing Mr. Winterbotham to make inquiries in connection with the outbreak will be laid on the table

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

VII. Will the Mappillas get the opportunity to lay before Mr. Winterbotham their grievances, and, as such evidence will be very useful, will the Government be pleased to instruct Mr. Winterbotham to collect the leading Mappillas of the different parts and take their opinion in the matter?

The Hon'ble Mr. Bliss—

VII. The Government considers that Mr. Winterbotham may be relied upon to use the best means to obtain the necessary information.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

VIII. Considering that no Muhammadan officials of higher grade are on the spot and that the district is officered by officials of all other classes, will the Government be pleased to depute a Muhammadan officer in the grade of Deputy Collector and one or two Police Inspectors of high merits to assist Mr. Winterbotham in approaching the Mappillas so that the latter may have confidence in those officers, they being entirely unconnected with the interest of either party, and lay their case freely before the Commissioner?

The Hon'ble Mr. Bliss—

VIII. The proposals do not commend themselves to Government.

The Hon'ble V. MUHAMMAD SHERIFF KHAN BAHADUR :—

IX. What decision has the Government arrived at on the definite proposals made last July by the Board of Muhammadan Education in view to placing the Madrasa-i-Azam or Muhammadan high school on an efficient basis?

X. Is the Government willing to locate the Madrasa-i-Azam in the Umdah Bagh (Maclean's Gardens) in compliance with the unanimous opinion of the exceptional eligibility of that site which was expressed by the Muhammadan Board of Education?

The Hon'ble Mr. Grose—

IX and X. The questions connected with the re-organization of the Madrasa-i-Azam and its location in the Umdah Bagh are still under consideration.

The Hon'ble C. JAMBULINGAM MUDALIYAR :—

XI. Is it a fact, as stated in the *Madras Standard* newspaper, dated 9th March 1896, under the heading "The Police and the Magistracy," that there is in existence in the Tanjore district a circular of the Collector directing Sub-Magistrates *to wait upon* Superintendents and Assistant Superintendents of Police when they visit their stations and "to communicate freely what there is to be said regarding the joint work of the department," and is it also a fact that certain Sub-Magistrates in that district were called upon, on the report of the Superintendent of Police, to explain their neglect of orders in *not waiting on him* when in their vicinity?

The Hon'ble Mr. Bliss—

XI. The Government has no information on the point.

The Hon'ble C. JAMBULINGAM MUDALIYAR :—

XII. (*a*) Will the Government be pleased to state the causes which led to the packets of question papers, set for the Pleadership Examination of this year, being tampered with or damaged?

(*b*) Will the Government be pleased to state whether the necessary and usual precautions were adopted by the officers concerned in the despatch of the said question papers to mofussil stations?

(*c*) In view to prevent the great hardship to candidates living in the remote parts of the Presidency, will the Government be pleased to order the continuance, from next year, of the system of holding examination in different centres, instead of in the City of Madras as has been ordered for this year?

The Hon'ble Mr. Bliss—

XII. (*a*) The Government has no information on the point.
(*b*) The Government believes they were.
(*c*) The Government does not see sufficient reason to recall the orders passed at the suggestion of the Pleadership Examination Board directing that the examination shall in future be held in Madras alone.

The Hon'ble C. JAMBULINGAM MUDALIYAR :—

XIII. Will the Government be pleased to adopt measures for concession rates of third-class fare being granted by the Railway authorities in this Presidency to cricket, foot-ball and golf teams, theatrical, musical or concert parties, and tourist or pilgrim parties, whose limited means may permit them to travel only third class, similar to the concession granted to teams and parties travelling in the higher classes under present rules?

The Hon'ble Colonel McNeil Campbell:—

XIII. The Government does not consider it desirable to take any steps for the adoption of the concession rates asked for by the Hon'ble Member. The proper course for persons interested to pursue is to apply to the Agents of the Companies concerned, who will doubtless be ready to consider the adoption of such concessions, if they are likely to prove commercially profitable.

The Government understands that the Madras Railway has already made, as an experimental measure, a very considerable concession to third-class travellers in the direction indicated.

The Hon'ble K. KALYANASUNDARAM AIYAR :—

XIV. Is it a fact that the District Magistrate of Tinnevelly issued, some time back, a circular order to all the Magistrates of that district, declaring that they "will show their wisdom by being ready to assume that all complaints in which a Police officer is named as such, and which are in any way connected with his official duties, should be referred to the Superintendent of Police for investigation under section 202, Criminal Procedure Code"?

The Hon'ble Mr. Bliss—

XIV. The Government has no information on the point, but, should the Hon'ble Member so desire, will make inquiries.

The Hon'ble K. KALYANASUNDARAM AIYAR :—

XV. (*a*) Is it a fact that in the floods of the 30th of December last, in the Tambraparni river, the lands situate between that river and the north of Tuticorin canal below the Srivaikuntam anicut, to a distance of about three miles, were submerged in consequence of several breaches in the northern bank of the river; that nine villages lying between those limits suffered much therefrom; that the residents of these same villages had petitioned Government in 1890, pointing out the danger they were in, because of the said bank being lower than the corresponding bank on the southern side of the river; and that yet the bank was not raised to the necessary height?

(*b*) Will the Government be pleased to order that the northern bank of the said river be raised, and otherwise strengthened between the limits mentioned above, against similar floods in the future?

The Hon'ble Colonel McNeill Campbell:—

XV. (*a*) It is a fact that the old Tambraparni left flood bank below the Srivaikuntam anicut was nearly all destroyed by the floods of December last and several villages were flooded. These villages are situated between the old bank, the alignment of which it would not be possible to maintain, and the new bank which is further away from the river margin. The villagers have petitioned to have the old bank raised to the height decided on for the new banks, and after careful consideration in 1889 and as a special case the old bank has been maintained to its former section.

(*b*) It would not be advisable to raise the bank in question; to do so would, it is considered, lead to still greater damage.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XVI. (*a*) Is it a fact that *manaicuts* which have been till now in the possession and enjoyment of the *kudis* of Tanjore, and over which they have been exercising from time immemorial all rights of ownership, are now treated, all at once, as poramboke lands, and that prohibitory rates of assessment are levied upon the *kudis* for continuing to keep such *manaicuts* in their possession?

(*b*) Will the Government be pleased to institute an inquiry into the claims of the *kudis* to such lands; and order the Revenue Department to stop inflicting penal rates of assessment till a final decision is come to on such an inquiry?

The Hon'ble Mr. Grose—

XVI. No information is available either in the Government or in the Board's office regarding the alleged charge of prohibitory assessment on *manaicuts*. A report will be called for from the Collector.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XVII. Is it a fact that in the village of Peralam in the Nannilam taluk of Tanjore, a regulating dam to an irrigation channel was considered to be necessary by the Executive Engineer and the Collector of the district; and that the ryots concerned were yet required to pay, and did pay, in February 1894, a contribution of Rs. 280 towards the construction of the said dam?

The Hon'ble Colonel McNéil Campbell:—

XVII. Yes, in the interest of the *kudis* concerned.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XVIII. Will the Government be pleased to state the income to Government in the three years beginning with 1892–93, from the sale of trees, and of their produce, where such trees stand on poramboke lands in the Tanjore district?

The Hon'ble Mr. Grose—

XVIII. The Collector has been asked to furnish the required statistics.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XIX. Will the Government be pleased to place upon the Council table the final report of the Settlement Department on the new settlement of Tanjore, referred to in my question No. XVII published on page 35 of the Proceedings of this Council for 1895? And also the report referred to in my question No. XX, published on page 36 of the said Proceedings?

The Hon'ble Mr. Grose—

XIX. The final report regarding the settlement of the Tanjore district will shortly be reviewed by Government and the question of laying it on the table will be considered at the same time.

The information embodied in the other report referred to in the question has already been communicated to the Hon'ble Member, and the Government has no objection to laying on the table a copy of the communication addressed to him on the subject.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XX. Will the Government be pleased to state whether it is a fact that one Veerasami Naidoo was tried by the Stationary Sub-Magistrate of Cuddalore (Mr. S. Sundara Iyer) in Calendar Case No. 581 of 1894, known as the Nellikuppam Abkári case and convicted under sections 55 and 56 of the Abkári Act and sentenced to six months' rigorous imprisonment and a fine of Rs. 100?

The Hon'ble Mr. Bliss—

XX. It is a fact.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XXI. (*a*) Is it a fact that there was an appeal against this conviction and sentence and that the appeal was tried by the Sessions Court of South Arcot?

(*b*) Is it a fact that the Sessions Judge reversed the conviction and sentence of the said Sub-Magistrate and observed that the punishment awarded by him was "vindictive and wholly unjustifiable," and that it "could hardly have been severer had the appellant been caught red-handed committing the most serious offence known to the Abkári Law"?

The Hon'ble Mr. Bliss—

XXI. (*a*) Yes.
(*b*) Yes.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XXII. Is it a fact that in dismissing the appeal to the High Court by the Government against the acquittal by the Sessions Judge, the Hon'ble Judges of the High Court remarked in their judgment that "seeing how simple the case really was, the facts not being in dispute," they felt bound to express their "grave disapproval of the way in which the inquiry was conducted" and that the Sub-Magistrate gave a sentence which is "double the sentence which could lawfully be inflicted under section 56 of the Abkári Act, the only section which could possibly apply to the case," and that the Sub-Magistrate had "wasted a vast amount of public time and allowed the process of the court to be abused in the trial of the case"?

The Hon'ble Mr. Bliss—

XXII. Yes. I may add that the appeal by Government was filed in order that certain doubtful points of law occurring in the case might be settled.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XXIII. Is it a fact that the Sub-Magistrate was promoted to the place of Tahsildar after the disposal of the case by him and has since been confirmed in that place?

The Hon'ble Mr. Bliss.

XXIII. Yes.

The Hon'ble K. KALYANASUNDARAM AIYAR:—

XXIV. In view of the remarks of the Sessions Judge and of the High Court, will the Government be pleased to state what action it intends to take as regards the Sub-Magistrate?

The Hon'ble Mr. Bliss—

XXIV. The matter is still under the consideration of Government.

The Hon'ble C. VIJAYARAGHAVACHARIAR:—

XXV. Whether it is true that the Government has resolved to transfer the head-quarters of the Wynaad taluk from Manantoddy to Vayitri, and, if so, whether the Government will be pleased to state the grounds for the decision?

The Hon'ble Mr. Grose—

XXV. The answer to the first part of the question is "yes." With reference to the second part, G.O., No. 592, dated 29th August 1895, which contains a full statement of the reasons for the said decision, will be laid on the table.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXVI. Whether it is a fact that on two previous occasions, viz., in 1874 and 1885, the question whether Vayitri should be made the head-quarters of the taluk was fully discussed and the Government, with the concurrence of the Board of Revenue, came to the conclusion that the transfer was not desirable in public interests?

The Hon'ble Mr. Grose—

XXVI. The question was considered in 1874 and 1885, and the circumstances which then existed were not considered to be sufficient to warrant the transfer.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXVII. Whether the Government is aware that there is a very strong feeling against the proposed transfer to Vayitri amongst the inhabitants of Manantoddy and its neighbourhood, both Indian and European, and amongst the population of the taluk except a few planters in the South Wynaad?

The Hon'ble Mr. Grose—

XXVII. The Government is not aware of the existence of any such strong feeling. A petition against the transfer was received from certain of the inhabitants of North Wynaad and was duly considered by Government before passing final orders in the case.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXVIII. Whether it is a fact that the Board of Revenue has deprecated the idea of the proposed transfer and declined to recommend the re-opening of the question?

The Hon'ble Mr. Grose—

XXVIII. It is a fact that the Board of Revenue declared that it was not prepared to re-open the question; but the chief reason on which that decision was based was that the point had already been twice considered and decided.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXIX. Whether the Government has considered the fact that Manantoddy is the largest place in the taluk, so much so that it is the only place that can be called a town therein; that it is the sanitarium of Wynaad and well-supplied with wholesome water all the year round, while Vayitri is an out-of-the-way village, unhealthy and malarious?

XXX. Whether it is a fact that Manantoddy is most centrally and advantageously situated in respect of communication with the whole taluk and district and is much nearer than Vayitri to the proposed line of railway extension from Calicut to Cannanore?

The Hon'ble Mr. Grose—

XXIX and XXX. The Government has no definite information on the various points indicated in the above questions, but all the arguments for and against the proposed transfer were fully and carefully considered; and under the altered conditions of the two localities, the balance of advantage was found to be decidedly in favour of the transfer.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXI. Whether the Government is aware that, owing to the fact of Manantoddy having been from time immemorial the seat of the principal State offices in Wynaad, the proposed transfer would not only greatly inconvenience the inhabitants

thereof and of its immediate neighbourhood but also of the whole taluk, and would further greatly diminish the value of the buildings and other immovable property in Manantoddy and in the North Wynaad generally?

The Hon'ble Mr. Grose—

XXXI. The Government does not consider that the proposed transfer will cause the disadvantages named by the Hon'ble Member, as the Deputy Tahsildar of Vayitri will take the place of the Tahsildar at Manantoddy and the Deputy Collector will continue to hold his head-quarters at the latter station.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXII. Whether the Government will be pleased to reconsider the whole question and see if the possible advantages expected from the proposed transfer cannot be obtained in any other way and much more easily, such as by a redistribution of the areas forming the criminal jurisdiction of the Magistrates in the taluk and making provision for the more ready cashing of cheques at the sub-treasury at Vayitri for the convenience of the planters in the South Wynaad?

XXXIII. Whether in any case the Government will be pleased, before adopting and carrying out the scheme of Mr. Moberly in connection with the proposed transfer submitted by him while he was Acting Collector of Malabar, to place his report on the table and to give the people of the taluk, especially of Manantoddy and the North Wynaad, an opportunity to submit their representations in the light of what he has said?

The Hon'ble Mr. Grose—

XXXII and XXXIII. The Government sees no reason to re-open the question at present. A copy of Mr. Moberly's report will be found in the Government Order laid on the table with reference to the answer given to Question No. XXV.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXIV. In reference to the proclamation of the Government, dated the 26th November 1895, under section 15 of the Police Act (V of 1861), as amended by Act VIII of 1895 recently extended to this presidency, declaring that Kalugumalai and four other villages in the Tinnevelly district had been found in a disturbed state, and that from the conduct of the inhabitants thereof, it was found expedient to quarter additional police force therein for two years at the cost of the inhabitants according to such apportionment as might be made by the District Magistrate, will the Government be pleased to state—

(*a*) at what date or during what period the said villages were in a disturbed state, or the conduct of the inhabitants thereof such as to call for the application to them of the very exceptional provisions of the recently extended Police Act?

(*b*) whether the conduct referred to in the proclamation has any reference to the riot that occurred on the 7th April 1895 in one of the five villages, viz., Kallugumalai?

(*c*) whether, previous to issuing the said proclamation, the Government had directed any local inquiry to be made in view to ascertain the exact state of things, and, if so, whether the papers relating to such inquiry will be placed on the table?

(*d*) upon what evidence, in case no such enquiry was held, the Government came to the conclusion stated in the proclamation and forming the basis therefor, and whether the papers containing the said evidence will be placed on the table?

(*e*) whether the inhabitants of the area covered by the proclamation were given any and what opportunities to make their representations against the issue of such proclamation?

The Hon'ble Mr. Bliss—

XXXIV. (*a*) During the riot at Kalugumalai and during the period immediately preceding and following it.

(*b*) Yes.

(*c*) and (*d*) The local officers and the Inspector-General of Police reported fully upon the riot and the circumstances connected with it and it was upon a consideration of their reports that the proclamation was issued.

(*e*) No.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXV. Will the Government be pleased to state if it had any special reasons for issuing the proclamation more than seven months after the riot of April 1895, but while the criminal appeal in relation to the said riot was pending in the High Court and just one week before the judgment was delivered, and if so, whether it will be pleased to state them?

The Hon'ble Mr. Bliss—

XXXV. No. The inquiries made and consideration of the case occupied a considerable time, and there was no unreasonable delay in the matter. The orders passed were altogether independent of the decision of the High Court.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXVI. Will the Government be pleased to state if it has framed any rules for the guidance of the District Magistrates and Police for carrying out the provisions of the said Act V of 1861 in so far as it applies to this presidency?

The Hon'ble Mr. Bliss—

XXXVI. No rules have been framed.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXVII. Will the Government be pleased to ascertain and place on the table papers showing—

(*a*) the strength of the additional Police force quartered in the area covered by the proclamation?

(*b*) the entire cost of every kind, of establishing and maintaining the said force for two years?

(*c*) the principles upon which the inhabitants of the area are being assessed for the purpose?

(*d*) lists of persons or classes of persons, if any, exempted from the said assessment and for what reason?

The Hon'ble Mr. Bliss—

XXXVII. The Government is unable to place upon the table papers on the subject, but the following information is furnished :—

(*a*) Two Head Constables and twenty constables

(*b*) Between nine and ten thousand rupees; exact figures cannot be given

(*c*) According to a valuation of their houses

(*d*) Occupiers and owners of land have been exempted *as such*, notwithstanding the fact that they may be held to be liable to assessment in reference to other immoveable property owned or occupied by them within the area in question. This exemption was ordered with a view to rendering the assessment more simple and equitable.

The Hon'ble C. VIJAYARAGHAVACHARIAR :—

XXXVIII. Is the Government aware that the Deputy Magistrate who was stabbed to death while in discharge of official duty in the Kallugumalai riot of April 1895 was a man of unblemished public character and died poor? and will the Government be pleased to state whether any provision has been made for his family by the Government or the zemindar and, if not, whether it will make suitable provision for his widow and children?

The Hon'ble Mr. Bliss—

XXXVIII. The officer in question was a Deputy Collector lent to the Court of Wards and employed as Manager of the Ettiyapuram Estate. He was in discharge of his duty as Manager at the time of his death, *not* as Deputy Magistrate or Collector. The Government has no information as to his means, but his character was good. The Government considers the case one in which the rules do not permit the grant of an extraordinary pension and is not aware whether the Court of Wards has made any provision for his family or contemplates doing so.

The Hon'ble C. SANKARAN NAYAR :—

XXXIX. Whether Government have received a memorial signed by Rajas and other influential men with reference to the Wynaad settlement and bringing forward serious charges against the Settlement officials?

The Hon'ble Mr. Grose—

XXXIX. A memorial from certain inhabitants of Malabar was received and forwarded, through the Government of India, to the Secretary of State to whom it was addressed. The Secretary of State, however, saw no reason to interfere on behalf of the memorialists, and his decision has been communicated to them.

The Hon'ble C. SANKARAN NAYAR :—

XL. If so, whether, with reference to the statements in paragraphs 6 and 49 of the memorial, Government will be pleased to call upon the signatories to substantiate their statements that cattle, implements, &c., of the ryots were sold for arrears of revenue, and call for a report from the responsible officials whether there is any, and if so what, truth in those statements?

The Hon'ble Mr. Grose—

XL. In March 1892 the Board of Revenue, under the orders of Government, imposed restrictions on the attachment and sale of implements of husbandry and cattle, by issuing a standing order to the effect that "as a protection to the poorer ryots, the implements of husbandry and one pair of cattle for each holding should be considered as exempted from attachment and sale for arrears of revenue."

Prior to the issue of the above standing order, there were no restrictions, but from the Collector's report it appears that the distraint of seed-grain was not then general and that agricultural implements were never attached. The standing order just referred to was slightly amended in November 1892, and since then the concession has been granted to each cultivator instead of in respect of each holding.

The Hon'ble C. SANKARAN NAYAR :—

XLI. Whether,—with reference to the statements in paragraphs 37, 38, 39 that in the Wynaad taluk "there have been from time immemorial several sacred places, associated with the lives and devotional labours of ascetics and pious sanyasis, as also many sacred localities made over as gifts for religious purposes by the ancient grantees of the country"; "that owing to the desecration, spoliation and usurpation of temple properties, religious ceremonies can no longer be performed"; and that on account of the acts of the Settlement officials, "the religious affairs of the people in this taluk have fallen into utter confusion and none of the important ceremonies can be performed,"—Government will be pleased to call on the signatories above named to substantiate their statements, or will be pleased to ascertain in any other way that Government considers fit whether there is truth in such statements?

The Hon'ble Mr. Grose—

XLI. In a similar memorial addressed to the Government of India in June 1889 the memorialists gave a list of the "pagodas" and "religious

institutions," the property of which was alleged to have been unjustly escheated. The Special Settlement Officer, to whom this memorial was referred, reported as follows :—

"Most of the names given are those of private shrines, the owners of which were given a full opportunity of establishing their alleged titles. Where they succeeded, their claims were allowed; but where they failed, their claims were rejected and they were left to seek redress (if they thought they were entitled to any) in the ordinary civil courts. Some of these claims were settled some thirty years ago, and the decisions then arrived at have been acquiesced in and accepted. In other cases the petitioners have omitted to state that special grants of service inam were made for the maintenance of the temples by Government at the settlement, and that the lands which were the subject of those grants are now held by the temple trustees free of all assessment and janmabhogam. The matter printed in the nine volumes of escheat reports submitted by myself, disposes of the allegation that there was no enquiry at all."

In these circumstances, the Government is satisfied that sufficient opportunity was given to the claimants to establish their alleged titles, and therefore considers that no further inquiry is necessary.

The Hon'ble C. SANKARAN NAYAR :—

XLII. With reference to the allegations in paragraph 35 of the memorial that "the Revenue Settlement Officer was empowered as a Forest Settlement official to buy up lands on these revenue forests by paying sufficient compensation to the owners, and that in the case of one Mr. Fletcher who owned lands in and out of the forest of Peria, the Forest Officer exerted himself and got the Government to pay him ample compensation, but that instead of granting compensation to the native owners they were intimidated and their lands taken away by violent means," whether Government will be pleased to order inquiry ?

The Hon'ble Mr. Grose—

XLII. The allegations are reported to be wholly untrue. No less than Rs. 7,125 were paid to native right-holders as compensation for the surrender of their admitted rights to Government in the Chedleth and Begur reserves. In all cases, parties dissatisfied had the right of appeal to a superior authority (the District Court) had they cared to exercise it. The Government therefore deems it unnecessary to direct any further inquiry.

The Hon'ble C. SANKARAN NAYAR :—

XLIII. Whether it is true, as stated in paragraphs 25, 26, 27 that the signatories presented their documents to the Settlement Officer to establish their claims, that no "impartial enquiry" was ever held and that the title-deeds were never returned though the petitioners applied for them ?

The Hon'ble Mr. Grose—

XLIII. The memorialists' allegation that no impartial enquiry was ever held, appears to be without foundation. All the documents filed, for the return of which the owners applied, are reported to have been returned. In the case of many documents (chiefly cadjans) the owners never applied for their return, and they were for a time retained by the Settlement Officer. Subsequently, however, Mr. Moberly issued a notice to the effect that all such documents would be destroyed unless applied for within a fixed time. The notice was published in the Nilgiri and Malabar Gazettes and copies of the notice were issued for distribution among the janmis in the Nilgiri-Wynaad and the Malabar-Wynaad. As the Special Settlement Officer was frequently on tour, the Head Assistant Collector, Nilgiris, and the Deputy Collector of Malabar were entrusted with the duty of returning these documents to claimants after satisfying themselves as to their identity. According to a report received from the Board of Revenue, dated 23rd October 1895, out of 1,306 documents given to the Deputy Collector, 869 had been returned and the remaining

437 were still in his custody ; it was reported that many individuals on whom notices had been served calling on them to take delivery of documents had not taken the trouble to come and claim them. In another report from the same authority, dated 20th September 1895, it is stated that out of 124 documents sent to the Head Assistant Collector, it had been found possible to return only three and that no claimants had come forward for the rest, notwithstanding that special notices were again and again published in the Gazettes and also distributed among the janmis.

The Hon'ble C. SANKARAN NAYAR :—

XLIV. Whether Government will be pleased to call upon the signatories to substantiate their charges against the Settlement officials ?

The Hon'ble Mr. Grose—

XLIV. The Government does not think that any useful purpose would be served by so doing.

The Hon'ble C. SANKARAN NAYAR :—

XLV. Whether Government will be pleased to call for a return showing the extent or area of the lands sold and the number of the holdings sold for arrears of revenue in the Wynaad taluk subsequent to the new settlement ? Whether Government purchased any of these lands, and if so, to what extent and for what amount ? Whether Government will be pleased to call for a similar return for an equal number of years prior to the new settlement ?

The Hon'ble Mr. Grose—

XLV. Returns embodying the information asked for have been received and will be furnished to the Honourable Member.

The Hon'ble N. SUBBA RAO PANTULU :—

XLVI. Will Government be pleased to state—

(*a*) How long the claims of the members of the Indian Civil Service will defer the full introduction of the Provincial Service Scheme,

(*b*) and when Government proposes to give full effect to the said scheme with regard to the following listed appointments declared open to the Provincial Service, viz., District and Sessions Judges (four), Collectors and Magistrates of Districts (two), and Under Secretary to Government (one) ?

His Excellency the President—

XLVI. The question does not admit of a simple or immediate answer ; the information desired will be furnished to the Hon'ble Member if he will kindly put his question at the next meeting of the Council.

The Hon'ble N. SUBBA RAO PANTULU :—

XLVII. With reference to G.O., No. 1686 L., dated 14th September 1895, to the effect that 50 per cent. of the local cess together with the net receipts from tolls should be the minimum that should be spent under Communications —New Works and Repairs, will Government be pleased to state for each district the number of schools proposed to be closed and the amount proposed to be withdrawn from Grant II (Education) for the official year 1896–97 ?

The Hon'ble Mr. Bliss—

XLVII. The whole of the information available to Government is contained in the budgets of the several Local Boards which have been reviewed by Government and placed at the disposal of the press and to which the Hon'ble Member is referred.

The Hon'ble N. SUBBA RAO PANTULU :—

XLVIII. Will Government be pleased to state whether, in accordance with the recommendations of the Indian Education Commission, Municipal and Local Fund Boards maintain a separate school fund consisting of—

(*a*) A distinct share of the Municipal or Local Fund revenues to be fixed in each case by the Government ;

(*b*) The fees levied in schools wholly maintained at the cost of the Boards ;

(*c*) Any assignment that may be made from Provincial or other funds ;

(*d*) Any other funds that may be entrusted to the Boards for the promotion of education ;

(*e*) Any unexpended balance of school fund from previous years ?

If not, will Government be pleased to issue necessary orders for the maintenance of a separate school fund, to prevent the lapse, at the end of the official year, of allotments made towards education ?

The Hon'ble Mr. Bliss—

XLVIII. Local Boards and Municipal Councils do not maintain a separate school fund of the character referred to by the Hon'ble Member and the Government does not consider it necessary at present that they should do so.

The Hon'ble N. SUBBA RAO PANTULU :—

XLIX. Will Government be pleased to state what is the term of currency of a settlement according to the rules now in force ?

The Hon'ble Mr. Grose—

XLIX. The subject is now under correspondence with the Government of India, and the Government is therefore at present unable to answer the question.

The Hon'ble N. SUBBA RAO PANTULU :—

L. Whether, according to the present policy regulating revisions of assessment, Government leaves untouched a margin of the profits arising from increase of prices with a view of raising the standard of living among agricultural classes ; if not, is Government precluded by the orders of the Secretary of State from making some such allowance in the interests of agricultural classes ?

The Hon'ble Mr. Grose—

L. The claim of Government is one-half the nett produce of the soil. Government does not apportion the economic distribution of the profits that are left to the agriculturist. No orders have been received from the Secretary of State on the subject.

The Hon'ble N. SUBBA RAO PANTULU :—

LI. With reference to chapter II, section I, revised clause V of the Settlement Manual to the effect that the commutation rate should be deduced from the recorded prices of the standard crop, will Government be pleased to state whether, during the months when the paddy of the current fasli and of the previous fasli is sold in the market,—as for example during the months of February, March and April in the Gódávari and Kistna districts,—the price of paddy entered in the price returns represents the price of the new paddy or the old ?

Will Government be pleased to state the instructions issued on the subject for the guidance of subordinate officers ?

The Hon'ble Mr. Grose—

LI. The Government has no information as to whether the price of the new or of the old paddy is recorded in the months in which both descriptions are sold in the market. No instructions appear to have been issued in the matter.

The Hon'ble N. SUBBA RAO PANTULU :—

LII. With reference to the answer of Government given at the meeting of the 18th December 1895 that "a close examination of the nature of the soils in three taluks (of the Gódávari delta) has shown that they are alluvial in character and cannot be described as black regar or as red ferruginous," will Government be pleased to state—

(*a*) The extent of such land and the depth to which generally the surface of the soil is now found to be alluvial ;

(*b*) Whether such land includes land not brought under irrigation ;

(*c*) Whether it is a fact that the said land was at the last settlement found on careful examination to belong to classes falling under the regar series and other lower classes ;

(*d*) If so, whether Government has made inquiries how land of regar and other series, whether brought under irrigation or not, has so altered in its character as to fall under alluvial and exceptional series and with what result ?

Will Government be pleased to place on the table the report or extracts from the report of the officer who examined the soils of the Gódávari delta and the order, if any, passed thereon ?

The Hon'ble Mr. Grose—

LII. (*a*) The extent of such land in the deltaic tract of Gódávari is reported to be 363,618 acres. Government is unable to furnish information as to the depth to which the soil is alluvial.

(*b*) Government is unable to furnish the information.

(*c*) The Deputy Commissioner has reported that "many of the originally loamy soils have been converted into rich alluvial clay and loam, and in several cases large areas of land near the coast, which were unfit for cultivation, have become rich alluvial tracts of rice fields.

(*d*) The Government has made no inquiries on the subject. As promised by the Hon'ble Mr. Grose in his answer to question No. XII on 18th December 1895, a copy of the Deputy Commissioner's Scheme Report No. 571-A, dated 9th November 1895, will shortly be furnished to the Hon'ble Member.

The Hon'ble N. SUBBA RAO PANTULU :—

LIII. With reference to G.O., No. 870, dated 26th February 1895, ordering an inquiry regarding the exemption of specified areas or classes of lands in the Gódávari and Kistna deltas from the enhanced water-rate and with reference to the answer of Government at the meeting of the Council held on the 4th November 1895, will Government be pleased to state the result of the inquiry and place the papers relating thereto on the table ?

(*b*) Will Government be pleased to state whether such specified areas or classes of lands include any enfranchised inam lands ? If not, are there any special reasons for levying the enhanced rate on all inams without reference to their capacity to bear the enhanced rate ?

The Hon'ble Mr. Grose—

LIII. (*a*) The inquiry has resulted in the decision to exempt from the enhanced water-rate certain lands said to be suffering from poverty of soil, insufficient irrigation, defective drainage, or a combination of these defects. The extent so exempted in the Kistna district is said to be 37,708 acres, and that in the Gódávari district 57,008 acres. The Government does not consider that any useful purpose would be served by laying the papers on the table.

(*b*) The Government is not in possession of definite and full information ; further inquiries will be made.

The Hon'ble N. SUBBA RAO PANTULU :—

LIV. Is it a fact that the drainage system in many parts of the Gódávari and Kistna deltas is very defective and ryots are consequently put to loss? Will Government be pleased to call for a report on the subject?

The Hon'ble Colonel McNeil Campbell:—

LIV. The requirements of the drainage of the Gódávari delta were provided for in the completion estimates and carried out to the extent then considered necessary and the matter will be further considered.

In the Kistna delta, the Inampudi, Polraz, Chendrayacodu, Peddakomileru, Pullava and Kanakavalli drains, and Lingala and Vadlamanad affluents in the eastern section and the Tungabhadra widening, the Karenchedu, the Bhatiprole, and the Romperu drains, the Lanjakunta, the Nellamada, the Sakikalva affluents in the western section have been completed from the provision in the delta completion estimates. There is, however, much still to be done towards improving the drainage of the Kistna delta which is being attended to, to the extent to which funds are available. It should be noted that the Government of India having, in compliance with a special representation made, increased the total grant under "49. Capital expenditure not charged to Revenue", a provision of Rs. 1,06,514 for drainage has been made in the current year's budget estimates.

The question of controlling floods in the Budameru river in the Kistna district is now under investigation. It is understood that the executive engineer, Kistna Eastern division, has drawn up a report regarding the Colair Lake which affects both the deltas. The report, when received, will receive due consideration.

In these circumstances the Government does not consider it necessary to call for any further report.

The Hon'ble N. SUBBA RAO PANTULU :—

LV. Will Government be pleased to state whether, in places where the tree-tapping system is in force, the rule that "licenses shall be issued on the application of tree owners for not more than five trees for the drawing of toddy required for domestic purposes but not for sale" is availed of?

If not, will Government be pleased to inquire why the benefit of the rule is not enjoyed?

The Hon'ble Mr. Bliss—

LV. In the absence of any complaint to the contrary, it is presumed that Rule 1, clause (*f*) of the Tree-tax Rules is availed of. The Government therefore sees no reason at present to make any inquiry into the matter.

The Hon'ble P. RANGAYYA NAYUDU :—

LVI. Will the Government be pleased to state whether it has received full reports regarding the damage caused by the floods in the Tambraparni from the Collector of Tinnevelly? and, if received, with the permission of His Excellency, I beg to repeat my questions: (1) In what ways does the Government intend to assist the land-owners in relieving them from the loss they sustained? (2) Will the Government be pleased to say if the sand can be removed from the lands in question by means of machinery? If it can be, is the Government prepared to undergo a moiety of the expense? (3) Will the Government be pleased to allow full remission of tax on lands covered with sand until such lands shall have been rendered fit for cultivation again? (4) Will the Government be pleased to devise means whereby such calamities can be averted in future?

The Hon'ble Mr. Grose—

LVI. A report has been received from the Collector.

(1) By granting them the usual remissions and by postponing collections of revenue until the demand is settled at jamabandi.

In twelve villages of the Srívaikuntam taluk the Collector recommended that the ryots should be allowed the concession of growing dry crops on their wet lands till the end of March on payment of dry assessment only, even though Government water may be used, and the Board has sanctioned this concession.

The Collector has also instructed Tahsildars to grant loans under the Loans Acts to persons who may apply for such loans for the restoration of lands which have been silted up.

(2) The answer to the first part of the question is, "The Government knows of no machinery which could be used to effect the purpose mentioned," and to the second part is "No".

(3) Such remissions only will be granted as are admissible under the remission rules.

(4) The regulation of excessive floods is a matter of extreme difficulty, but the Public Works Department will endeavour to devise measures to prevent the recurrence of breaches in the river banks.

The Hon'ble P. RANGAYYA NAYUDU :—

LVII. Will the Government be pleased to state the terms and conditions under which Mr. R. A. Nelson, Barrister-at-Law, was appointed as Principal of the Law College for five years? Has the term expired and is his term of office extended? if so, under what conditions? Was it one of the conditions, when he originally came out to Madras, that he should not practise as an Advocate of the High Court? Is the same condition retained in the present agreement? Does the Principal of the Law College get exchange compensation allowance?

The Hon'ble Mr. Grose—

LVII. Mr. Nelson was engaged on the following main terms :—

(1) that he should devote his whole time to the duties of his office and should not engage, directly or indirectly, in any trade, business or occupation on his own account;

(2) that he should be at liberty as a Barrister-at-Law to take consulting or chamber practice, provided it did not interfere with the due performance of his duties as principal;

(3) that the Government should pay him a salary of Rs. 1,200 per mensem but no leave allowance or pension; and

(4) that the Government might at any time dispense with his services without notice for misconduct on his part or for a breach by him of any of the above conditions.

The original term of five years will expire in May next. The question of its extension is under consideration and no settlement of the conditions of any extension has yet been arrived at. Mr. Nelson was in receipt of exchange compensation allowance until the 14th March 1896, when it appeared from a ruling of the Government of India that he was not entitled to it.

The Hon'ble P. RANGAYYA NAYUDU :—

LVIII. Will the Government be pleased to state whether it has received any complaints from the Sub-Inspectors and Shroffs of the Salt Department regarding the lodging accommodation that is given them in the Salt Factories? Will the Government be pleased to state whether it is their intention to give them more suitable and spacious accommodation in factories?

The Hon'ble Mr. Bliss—

LVIII. No such complaints have been received from the Sub-Inspectors or Shroffs. The Government does not, as a rule, undertake to provide accommodation for officers of these classes.

The Hon'ble P. RANGAYYA NAYUDU :—

LIX. Is it true that Mr. A. S. Kearns, an Inspector of the Salt and Abkári Department of the third grade, has been promoted to the office of Assistant Commissioner superseding about 24 Inspectors who are Mr. Kearns' seniors in rank or service? if so, will the Government be pleased to say what exceptional services Mr. Kearns has rendered to Government to justify such exceptional treatment?

His Excellency the President—

LIX. The number of officers below the Acting Assistant Commissioners, Messrs. Simpson and Sherman and above Mr. Kearns is nine. My predecessor considered Mr. Kearns to be the officer best qualified for the post.

The Hon'ble P. RANGAYYA NAYUDU :—

LX. Will the Government be pleased to state—

(1) whether it is aware that the Hindu and Mappilla public of Ponnáni, in the Malabar district, have established a new Middle school at a cost of about Rupees 5,000 raised by public subscription?

(2) whether the Mappilla of Ponnáni have submitted a petition to the Director of Public Instruction for the recognition of the school with a view to send their children to it?

(3) whether the Assistant Inspector of Schools made any recommendation for the recognition of this school? and if so, will the Government be pleased to order it to be placed before the Council?

(4) whether it is true that the Director of Public Instruction has refused to recognize the school?

The Hon'ble Mr. Duncan—

LX. (1) Early last year certain Hindus and Mappillas established a lower secondary school at Ponnáni, the cost of which is not known.

(2) I received a petition purporting to come from certain Mappillas at the close of last year, requesting recognition of the school.

(3) The Assistant Inspector recommended conditional recognition. The Hon'ble Member will be furnished with a copy of the Assistant Inspector's report.

(4) Yes. On the score that the Madras Educational rules had not been complied with; when they are, the school will be recognized.

(4) *Acts assented to by His Excellency the Governor-General.*

His Excellency the PRESIDENT will announce the assent of His Excellency the Viceroy and Governor-General to the Malabar Land Registration Act, 1895, which was passed by the Council on the 18th December 1895.

(5) *Acts assented to by His Excellency the Governor.*

The Secretary reports that the Bill to repeal Madras Act III of 1882 and section 49 of Act XXIV of 1859 and the Bill to provide a form of marriage for persons following the Marumakkatayam or the Aliyasantana Law, which were passed by the Council on the 11th March 1896, received the assent of His Excellency the Governor on the 14th idem.

(6) *Bill to amend the Madras District Municipalities Act IV of* 1884.

The Hon'ble Mr. J. F. PRICE moves that the Bill be passed into law.

The Hon'ble C. JAMBULINGAM MUDALIYAR moves the following amendments in the above Bill :—

Section 11.

In section 10-A of the Act, clause (*e*), the words "Criminal Court" be substituted for the words "Court of Justice."

Section 18.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In section 19, clause (iv), omit all the words beginning from "likely" up to the end. After clause (iv) add clause (v) as below :—

"(v) if the Municipal Council recommends his removal on the ground of his being guilty of any disgraceful conduct".

If the above is not accepted—

In section 19, clause (iv), omit the words "in the opinion of the Governor in Council".

Section 23.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In the new paragraph added to sub-section 5 of section 30 of the Act, insert between the words "may" and "adjourn" the words "and, on the motion of any member present, he shall".

Section 33.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In sub-section 3 (*d*), section 39-A, omit the words "*his powers under section* 42 *and*" between "Secretary" and "such" and the word "other" between "his" and "powers".

Section 39.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In the proviso to section 47 of the Act, omit the word "construction" between the words "the" and "maintenance".

Section 48.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In sub-section (2) of section 63, substitute for "ten per centum" "seven and a half per centum".

Section 55.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In section 75 (1) of the Act as amended the word "four" shall be substituted for "six and a half".

Section 82.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In section 113 of the Act, clause (ii), omit the words "drains" after "markets" and "water-works" after "latrines".

After clause (ii) insert clause (iii) as follows :—

"(iii) The maintenance, repairs and improvement, and extension of water and drainage works."

Re-number the present clauses from (iii) to the end.

Section 165.

The Hon'ble C. JAMBULINGAM MUDALIYAR.—In section 256 of the Act, for the words "in such manner as may in his or their opinion be sufficient, &c.," up to "interested therein" the following shall be substituted :—

"In manner prescribed in sections 289 and 289-A".

(7) *Bill to amend the Madras Revenue Recovery Act II of* 1864.

The Hon'ble Mr. J. H. SPRING BRANSON moves that the Bill be read in Council. He will also move that the rules of the Council be suspended in view to the said Bill being taken into immediate consideration and passed into Law at once.

(8) *Bill to declare the testamentary powers of persons following the Marumakkatayam or the Aliyasantana Law.*

The Hon'ble Mr. J. H. SPRING BRANSON moves that this Bill be read in Council.

LIONEL DAVIDSON,
Secretary to the Council.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

NOTICES

FOR THE

MEETING OF THE COUNCIL

On Wednesday the 8th day of April 1896.