

Public (1899) Department.

ORDINARY M.S.

G.O., No. 699

Dated 22 6/99

INDEXED.

[Despatch Abstract.]

Forward to the S.G. for report,
a copy of the question asked at the ^{last} meeting of
Leg Council, and of the reply given by you
thereto, regarding the conduct of two
medical men attached to the 1st Hospital
in refusing to attend to a certain wounded
man on the night of the 10th Mar last,
forward to the Leg Dept twenty five copies
of 26 no 1065 Public of 22-6-99.

T
24/6/99

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
483	958						

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cms	2298/99	(S-S)					
Cms	5256/98						

CURRENT No. 24

$$\begin{array}{r} 72 \\ 24 \overline{) 169} \end{array}$$

The Legislative Dept.

No. 107.

Order no. 699722-6-98.

A copy of question
XV ~~(a) to (c)~~ & of the reply
given by Govt. thereto, will
be forwarded to the Surgeon
Genl., who will be re-
quested to report on the
points raised by the Hon.
member in clauses (b) &
(c).

Dated 12th June 1877.

Received

Registered

Enclosures /

Spare copies —

2. With reference to the answer to question XXIII, twenty-five copies of G.O. no 1065 Public, dated 22nd Augt. 1898, will be forwarded to the Legislative Council.

SUBJECT,

Communicating with members
to the Departments of the Section
concerning (issues of questions as to
at the meeting of the Legislative
Council held on the 6th June)
1899 & the answers given thereto.

10 the Surgeon General
with copy of resolution
SI & answer
see 10/11

BACK PAPERS.

G.O.	No.	Department.	Date. O
	634	Pub.	9.6.98
	631	"	9.6.98
	1665	"	22.8.98
	1673	"	15.12.97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

NOTICES FOR THE MEETING OF THE COUNCIL TO BE HELD ON TUESDAY,
THE 6TH DAY OF JUNE 1899, AT 12 O'CLOCK NOON.

(1) Questions

With the permission of His Excellency the President—

The Hon'ble M.R.Ry. P. RATNASABHAPATI PILLAI AVARGAL asks the following questions:—

I (a). What is the provision made for meeting the travelling expenses of the Prosecuting Inspector of Police while on duty?

(b). Is it a fact that these officers had till recently been drawing travelling allowances, and that latterly the allowance has been disallowed as being inadmissible under the Civil Service Regulations?

(c). If so, will Government be pleased to take steps to make a provision for these officers who have to travel to different parts of the district to which they are attached?

The Hon'ble Mr. Stokes:—

I (a) and (c). The matter is now under correspondence with the Government of India.

(b). Yes.

The Hon'ble M.R.Ry. P. Ratnasabhapati Pillai Avargal:—

II a. Is it a fact that Government has decided to transfer the Head Quarters of the Taluk Office from Palladam to Tirupur (Coimbatore)?

(b). Is it a fact that the proposed transfer was mooted in 1891 and finally abandoned by Government as being undesirable and improper?

(c). Is it a fact that His Excellency Lord Wenlock expressed himself in 1891 on the question as follows while on tour in Coimbatore in reply to an address presented by a deputation from the Tirupur inhabitants:—

"As regards the transference of the public offices to Tirupur, I am told that this is a question that has been gone into thoroughly, and after careful consideration, I am sorry to say for your sakes, the authorities have come to the conclusion that this would not be a proper step. They say that Tirupur is far less central than Palladam which is a slightly larger town. The matter has been thoroughly considered and after a full enquiry it was obliged to be dropped. I am sorry to disappoint you in this respect. No doubt we must look at the matter from the whole and not from a party point of view. One town may suffer at the expense of another, it is quite true, but we have to look to the interest of the whole community. In this matter, it seems to me the only way in which the Government can decide properly is to leave Palladam the chief centre."

(d). What will be the loss to Government by abandoning existing buildings at Palladam and what will be the cost of erecting new buildings for the offices at Tirupur, if the proposed transfer be carried out?

(e). Has there been any change of circumstances since the decision arrived at by the Government of His Excellency Lord Wenlock to justify the reversal of that decision?

(f). Will Government be pleased to reconsider the whole question, before giving effect to the proposed transfer?

The Hon'ble Mr. Forbes:—

II (a). The Government last year sanctioned the construction of a first class Taluk office for Palladam Taluk. This will involve the transfer of the Tahsildar's Head Quarters from Palladam to Tirupur.

(b) and (c). The proposed transfer was ordered so early as February 1878, the need for a new Taluk office having been recognized in 1875. In July 1878 the Government on a petition from the inhabitants of Palladam declined to reconsider its order. The construction of a new Taluk office at Tirupur was however deferred pending the provision of new buildings in other Taluks where they were more urgently required. It is true that in 1891 His Excellency Lord Wenlock made the statement quoted but there is nothing on record to show that the transfer was ever reconsidered by the Government.

(d). There will practically be no loss to Government as the existing Taluk buildings at Palladam are wholly inadequate and unsuitable to the needs of a first class Taluk and a new Taluk office on the standard plan is thus necessary. The cost of a new first class Taluk office varies from Rs. 27,000 to Rs. 30,000.

(e). It has been explained in answer to questions (b) and (c) that no decision of the Government can be traced of the nature suggested.

(f). The Government has decided after full consideration of all the circumstances to maintain the orders of 1878 and sees no reason to re-open the matter.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

III. Is it a fact that in the village of Mahadanapuram, Kumbakonam Taluk (Tanjore) a water-cess of Rs. 4 per acre has been imposed for *cholam* planted in the inter-spaces of the plantain cultivation on the margin of the Veerasolan channel, when no Government water was used, and will Government be pleased to cause an enquiry to be made into the matter?

The Hon'ble Mr. Forbes:—

III. The Government has no information on the subject, which is one fully within the competence of the local revenue authorities to deal with. As it does not appear that the aggrieved persons (if any) have had recourse to the authorities by law established for the investigation of their grievances, the Government sees no reason to move in the matter.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

IV. With reference to my question No. VII asked at the meeting of the Council of the 13th December last on the subject of the levy of water-cess on plantain gardens on the margins of channels and rivers, and the reply of Government thereto, will Government be pleased to state the result of the enquiry ordered by the Board of Revenue into the matter?

The Hon'ble Mr. Forbes:—

IV. No general enquiry such as the question refers to is pending. The Board of Revenue has not communicated to Government the result

of the enquiry ordered by it into the supposed erroneous charge of water-rate on certain plantain gardens in the Mannargudi and Mayavaram taluks of the Tanjore District. The Board will now be asked to communicate to Government the result of the enquiry for the Hon'ble Member's information.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

V. In view to an equitable distribution of the two posts of Collector and District Magistrate and 4 posts of District and Sessions Judge thrown open to the Provincial Service between the Revenue and Judicial branches of the service, will Government be pleased to arrange for one Deputy Collector being trained as Sub-Judge in view to his eventual promotion to the post of a District and Sessions Judge?

The Hon'ble Mr. Stokes:—

V. The Government does not see that any advantage would be gained by the adoption of the proposal contained in the Hon'ble Member's question.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

VI (a). With reference to my question No. XXIV at the Council Meeting of the 4th April 1898 on the defects of the water-works at Trichinopoly and the reply of Government, that the matter would be considered, and with reference to my questions Nos. X and XI at the meeting of the 13th December last on the same subject, and the replies thereto, will Government be pleased to state the result of the investigation, if any, and the final proposals thereon to place the works on a better footing?

(b). Is it a fact that the filtration wells have failed and if so, how soon after the construction of the works?

(c). Is it a fact that for a considerable time past the ordinary *unfiltered* flood water of the Cauvery is being pumped and distributed to the town by pipes?

The Hon'ble Mr. Forbes:—

VI (a). An investigation made by the Chief Engineer, Public Works Department, showed that there was not much cause for complaint in regard to the execution of the works. A proposal made by the Chief Engineer to lay a line of iron pipes, 500 feet long, in the bed of the river with a view to increase the supply of water has been sanctioned by Government, but it has not been possible to undertake the work up to date, as the river is reported to be in flood.

(b) and (c) A report will be called for on these points.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

VII (a). With reference to my question No. XII asked at the Council Meeting of the 7th April last, and the answer of Government thereto, will Government be pleased to state whether any and what arrangements have been made to make a Civil Surgeoncy available for a Senior Civil Assistant Surgeon?

(b). Whether Lieutenant-Colonel W. H. Thornhill, M.D., I.M.S., District Medical and Sanitary Officer of Nellore has retired or is to retire, and whether Government will be pleased to take that opportunity of making another Civil Surgeoncy available for the Assistant Surgeons by posting to Nellore a Commissioned officer holding a Civil Surgeoncy?

The Hon'ble Mr. Stokes:—

VII (a). Major Patch, I.M.S., has been granted furlough, and so retains a lien on his appointment at Kurnool. There is therefore no present

opportunity for the permanent appointment of a Senior Civil Assistant Surgeon to that Civil Surgeony.

- (b). Lieutenant-Colonel Thornhill, I.M.S. has retired from the service. The question of appointing a Civil Assistant Surgeon to the permanent charge of a Civil Station in consequence of his retirement, is under consideration.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal :—

VIII. Whether, in view of the desirability of affording encouragement to the class of Civil Assistant Surgeons and improving their status, Government will be pleased to take steps to appoint one or two of them of higher qualifications as examiners for the Medical examinations of the Apothecary and Hospital Assistant grades?

The Hon'ble Mr. Forbes :—

VIII If there are fully qualified men among Civil Assistant Surgeons their claims to be appointed as Members of the Board of Examiners for Apothecary and Hospital Assistant grades will be duly considered.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal :—

IX. With reference to the terms of the Despatch of the Government of India No. 58, dated the 9th October 1888, upon the report of the Public Service Commission, will Government be pleased to state the reasons as to why no Indian was appointed to the recent temporary vacancy caused by the departure of the Hon'ble Mr. Justice Shephard to Europe on furlough?

The Hon'ble Mr. Winterbotham :—

IX. The appointment of an officiating judge of the High Court is a matter which, subject to certain statutory limitations, rests with the Governor in Council and the Government is not prepared to discuss with the Hon'ble Member its reasons for selecting a particular candidate for the appointment.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal :—

X (a). Is Government aware that in the absence of definite rules defining the position of Secretaries in Municipalities in relation to the Chairmen, there has been room for friction and conflict of authority?

(b). Is the delegation of powers under section 32 (1) of the District Municipalities Act to the Secretaries consistent with the continuance of the responsibilities of the Chairmen, in whom the law vests the entire executive control?

(c). In cases in which a delegation is made under section 32 (1) to Secretaries, are the Chairmen relieved of their responsibility 'for the due fulfilment of the purposes of the Act'?

(d). Will Government be pleased to frame draft rules defining clearly the position of Secretaries in relation to the Chairmen, and circulate the same to the Municipal Councils for their opinion?

The Hon'ble Mr. Forbes :—

X (a) and (c). The answer to these parts of the question is in the negative.

(b). The delegation of the powers mentioned is in accordance with the law.

(d). The matter will be considered.

The Hon'ble Ghulam Muhammad Sahib Bahadur :—

XI. With reference to the answer of Government to question No. XXXVIII at the meeting of the Council held on the 9th March 1899, will the Government be pleased to call for information with regard to the number of Muhammadans and Hindus at present serving as members of Union Panchayats, Local Boards and Municipal Councils, respectively and the proportion of Muhammadans to the total number of members of each class, as the above figures will furnish the data for the opinion expressed by Government?

The Hon'ble Mr. Forbes :—

XI. The names of members of District Boards and Municipal Councils are given in the Quarterly Civil List. The Government does not consider that any useful purpose will be served by calling for information regarding the number of Muhammadans and Hindus serving on the Taluk Boards and Union Panchayats.

The Hon'ble Ghulam Muhammad Sahib Bahadur :—

XII (a). With reference to the answer of Government to question No. XXXIX at the meeting of the Council held on the 9th March 1899, will the Government be pleased to call for, from the Department concerned, information as to the number of Constables, Head Constables and Station-House Officers included among officers in the superior service in the General Administration Report for 1896-97, as the matter is of vital importance to the Muhammadan population?

(b). Will the Government be pleased to furnish information as regards the number of Muhammadan officials in superior service drawing a salary of Rs. 50 and more per mensem and the percentage these bear to the total number of Muhammadans employed in the service?

(c). Will the Government be pleased to call for and lay on the table a comparative statement showing the total amount of salaries, respectively earned by the Muhammadans and the Hindus in superior service and the ratios which the above figures bear to the total amount disbursed to all officers excluding Europeans?

(d). Will the Government be pleased to embody in future the information referred to in clauses (a), (b), and (c) in the reports annually submitted to the Government of India as the statistics will furnish a true criterion of the extent to which state patronage is enjoyed by the Muhammadans?

The Hon'ble Mr. Stokes :—

XII (a) and (c). The Government is not prepared to undertake the laborious task of collecting the information suggested by the Hon'ble Member.

(b) The Hon'ble Member is referred to the various departmental establishment lists which he can inspect in the Government office.

(d) The Government is unable to comply with this request.

The Hon'ble Ghulam Muhammad Sahib Bahadur :—

XIII (a). Has the attention of Government been drawn to the article headed the "Salt Department" appearing in the Muhammadan of the 16th March 1899 and will it be pleased to take suitable measures for removing the causes of the complaint made in the latter portion of the article, seeing that it is not the first of its kind, but is often made in public journals as well as in influential circles?

(b). Will the Government be pleased to inquire into the individual claims of Muhammadan Graduates for advancement in the higher ranks of the public service, seeing that the future progress of higher education among the Muhammadans depends largely on the encouragement given to these Graduates?

The Hon'ble Mr. Forbes :—

- XIII (a). The Government has now perused the article and sees no reason for interference.
- (b). The Government is not prepared to make the enquiry suggested by the Hon'ble Member.

The Hon'ble Ghulam Muhammad Sahib Bahadur :—

XIV. Is the Government aware that under the operation of G.O. No. 316, Educational, dated 23rd May 1896, the children of Carnatic Stipendiaries whose pensions have been compulsorily commuted under the rules now in force are deprived of the benefit of free education enjoyed by the children of those who are in receipt of stipends of Rs. 40 and below? if so, will the Government be pleased to place the former on a footing of equality with the latter, seeing that the former deserve the bounty of Government and the public even more than the latter on account of their indigent circumstances?

The Hon'ble Mr. Stokes :—

XIV. The Government does not see reason for treating the families of persons who have commuted their stipends under the rules of 1885 in any special way.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal :—

XV (a). Has the attention of the Government been called to an article in the Madras Times in its evening issue of the 19th instant, headed "A tale of last night?"

(b). Are the statements made therein touching the conduct of the two medical men attached to the General Hospital true?

(c). If so, will the Government be pleased to direct an enquiry into their conduct?

(d). Is there any rule or order that persons wounded by the commission of offences against them cannot be attended to by medical men until asked by the Police or Magistrates to do so?

The Hon'ble Mr. Stokes :—

XV. The Government has now perused the article referred to and will call for a report on the subject.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal :—

XVI (a). In reference to the proposed transfer of the Head Quarters of Palladam Taluk in the Coimbatore District from the town of Palladam to Tirupur, has the Government received a memorial dated 7th April last and signed by several inhabitants of the Taluk praying that Palladam may be retained as the Head Quarters?

(b). Has the Government inquired into the validity of the several objections which the memorialists urge against the transfer?

(c). Is it a fact that His Excellency Lord Wenlock personally visited Palladam and Tirupur and expressed disapproval of the proposal to transfer the Head Quarters from the former to the latter?

(d). Has the Government considered the prayer of the memorialists that an enquiry may be directed in view to obtain a report upon the sanitation and the water convenience of the two places as well as to ascertain the general wishes of the people of the Taluk?

The Hon'ble Mr. Forbes :—

XVI (a) and (b). The memorial referred to has not been received by the Government. When the question as to the place at which the new Taluk office should be built was under consideration last year, the Government had before it a largely signed memorial from the inhabitants of Palladam protesting against the transfer of the Taluk Head Quarters to Tirupur.

(c). The Hon'ble Member is referred to the answer to Question II put by the Hon'ble M.R.Ry. Ratnasabhapati Pillai.

(d). As already stated the Government has not received any memorial on the subject recently and sees no reason to re-open the matter.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal :—

XVII. Will the Government be pleased to consider the desirability of reviewing its decision under Section 557 of the Code of Criminal Procedure and embodied in G.O. No. 78, Judicial, dated 11th January 1899 that pleaders shall not be allowed to sit as Honorary Magistrates in any Court if they practise in any other Court unconnected with the former provided it is situate within the local area over which the former court exercises its authority?

The Hon'ble Mr. Stokes :—

XVII. The decision referred to was based on the opinion of the Advocate-General embodied in G.O. No. 78, dated 11th January 1899, and the Government is not prepared to reconsider it under existing circumstances. It may be added that in the opinion of the Advocate-General the disqualification imposed by Section 557 of the Code of Criminal Procedure applies only to pleaders who practise in Magistrates' Courts, and that Honorary Magistrates are not precluded from practising before Sessions Courts.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal :—

XVIII (a). Will the Government be pleased to state whether effect is being given to G.O. No. 86-L, dated 16th January 1897 impressing upon Local Boards that their Engineering staff should be recruited from among persons locally born and trained or locally trained and that persons of approved service should be promoted to be District Board Engineers?

(b). Will it be pleased to state further how many persons, being natives of India, have been appointed since the issue of the G.O. (1) as District Board Engineers, (2) as Assistant Local Board Engineers and (3) how many Indian Assistant Local Board Engineers have been promoted to be District Board Engineers?

The Hon'ble Mr. Forbes :—

XVIII (a). The answer to this part of the question is in the affirmative.

(b). The Hon'ble Member is referred to the answer given to a similar question at the meeting of the Legislative Council held on the 1st February 1898.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal :—

XIX (a). Has the Government received representations from the people of Srivillipattur in the Tinnevely District praying for the dissolution of the Municipal Council of that place?

(b). Is it a fact that the administration of that Municipality has not yet been a success?

(c). Is it a fact that there is great difficulty in collecting the Municipal taxes?

(d). Is it a fact that the people complain that the great majority of them are too poor to pay the Municipal taxes?

(e). Has the Government directed any inquiry as to the capacity of the people to bear such taxes? If not, will the Government be pleased to direct such an inquiry?

(f). Will the Government be pleased to ascertain and lay on the table information as to (1) the number of the villages that constitute the Municipality, (2) the population of each such village, (3) the number of thatched houses and huts in each village, (4) the number of tiled and terraced houses in each village, (5) the number of people in each village exclusively engaged in agriculture together with the amount of revenue which each man pays to Government, (6) the number of coercive processes issued during the last four years for the collection of the Municipal taxes and (7), the number of prosecutions during the same period for resistance to the execution of such processes.

(g). Will the Government be pleased to place on the table papers showing the grounds for abolishing the Municipal Council in 1886 and also for re-establishing it in 1894?

(h). Is it a fact that the sanitary condition of Srivilliputtur under the administration of the Union Panchayat was found satisfactory?

(i). Will the Government be pleased to consider the desirability of dissolving the Municipal Council?

The Hon'ble Mr. Forbes:—

XIX (a). No representations of the kind have been received by Government since 1894.

(b). This part of the question will be answered in the negative.

(c). The number of warrants issued in 1897-98 was considerably less than in the previous year.

(d). The Government has not received any such complaint since 1894.

(e). The answer to both parts of this question is "No."

(f). The Government is not prepared to make the enquiries asked for. Such of the information as is contained in the Administration Report of the Municipality has been already laid on the Editors' Table.

(g). G.O. No. 577-M., dated 21st June 1886, which relates to the abolition of the Municipality, in 1886 will be shewn to the Hon'ble Member. With regard to the grounds for re-establishing it in 1894, the Hon'ble Member is referred to G.O. No. 1065-M., dated 10th August 1894, which has been placed on the Editors' Table.

(h). The answer to this part of the question is in the negative.

(i). The Government is not prepared to adopt the Hon'ble Member's suggestion.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar Avargal:—

XX (a). Will the Government be pleased to state whether rules have been framed to carry out its forest policy as enunciated in G.O. No. 569, Revenue, dated 13th July 1897? If so, are any and which districts excluded from the full benefit of that G.O.?

(b). Is it a fact that rules relating to forest concessions are not published and proclaimed in the villages concerned otherwise than by the publication thereof in the Fort St. George and District Gazettes? If so, will the Government be pleased to consider the desirability of directing that such rules should be published in the villages entitled to the enjoyment of the concessions by affixing copies thereof in conspicuous places and by beat of tom-tom?

(c). Is the Government aware that in unreserved lands near Railways the Forest Department cut wood other than reserved and sells the same to the Railway Companies?

(d). Is Government aware that ryots in the villages entitled to Forest concessions in respect of such lands, are put to great inconvenience by such action? Will the Government be pleased to direct the Revenue Department to make an inquiry and report whether the action aforesaid of the Forest Department is in accordance with the spirit and intention of para. 5 of the said G. O. and whether or not the said action interferes with the rights of the ryots to meet their agricultural and domestic requirements safe guarded in the G.O.?

(e). Is the Government aware that petty Forest Subordinates such as the Guards, Tannadars, Reserve Watchers, and Permit Issuing Officers are generally entertained temporarily and some of them on commission without pay? In view to minimise the evils of oppression and corruption of these petty subordinates, will the Government be pleased to consider the question of directing that such subordinates should, as far as possible, be entertained permanently and on fixed pay without any commission?

The Hon'ble Mr. Forbes:—

XX (a). The Government order quoted merely recapitulated existing orders and rules on matters of forest policy and enjoined their observance in a spirit of sympathy with the people. No further rules were contemplated. Forest rules vary in different districts and localities. Wherever such rules apply, the Government desires that they should be worked tolerantly and sympathetically.

(b). No, except by notification in the Gazettes the village sheets of which are sent to every village in the district. The Government does not consider that any such general direction as that suggested by the Hon'ble Member is required or would be of more practical value than the present method. There is no reason to think that such concessions are not generally known; and the local officers have full discretion to adopt any special means of publication they may consider necessary.

(c) and (d). By the term "wood other than reserved" it is presumed the Hon'ble Member does not refer to classified trees which as well as reserved trees are not available generally for free felling. Subject to this reservation, the Government is not aware of any such general practice as that referred to in the question. If the Hon'ble Member is aware of any concrete instances and will be good enough to specify them the Government will be glad to consider the necessity for making an enquiry into the matter.

(e). It is the case that some of the subordinate establishments are temporarily employed in the Forest Department to do work of a temporary character and it is also true that in some cases they are allowed commission. Having regard to the nature and conditions of the work performed by such establishments, it would not be to the interest of the public service to make them permanent on fixed pay. But it is the policy of Government to reduce the temporary establishments to the smallest limits possible.

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai Avargal:—

XXI (a). Has the attention of Government been drawn to the complaints against the hardships of the inhabitants of Srivilliputtur (Tinnevely) in consequence of its constitution as a Municipality under the District Municipalities Act?

(b). Is it a fact that the inhabitants of the place are chiefly poor agriculturists, with little or no trade?

(c). Is it a fact that out of a total of 6,407 houses in the town about 5,000 are thatched huts?

(d). Was the town constituted into a municipality in 1886, and immediately after abolished as such in consequence of its unsuitability for a municipal institution, and was it made a major union in the same year?

(e). Was the town worked as a major union from 1886 till 1894 and with what results?

(f). Has the demand under House Tax increased from Rs. 1,772-10-0 in 1894-95 to Rs. 6,600 in 1899-1900?

(g). Will the Government be pleased to lay on the table a return shewing the numbers of coercive processes issued in the municipality from its commencement down to the end of 1898-99?

(h). Does the Government think that the collection of taxes in the municipality has been unattended with grave hardships to the rate-payers, as judged by the number of coercive processes issued year after year?

(i). Has the Government reason to believe that there has been a sensible reduction in the population of the place, after it was constituted as a municipality, and if so what has been the decrease, and the causes thereof?

(j). Will Government be pleased to take into consideration the desirability of reverting to the former arrangement, and replacing the municipality by a major union?

The Hon'ble Mr. Forbes:—

XXI. (a). The answer to this part of the question is in the negative.

(b). The information before the Government is to the effect that Sriviliputtur is a wealthy and thriving town.

(c). The Government has no information on the point.

(d). The town was in 1885 constituted a Municipality, which was abolished in 1886.

(e). The answer to the first part of this question is yes; to the second part the reply is, the information required by the Hon'ble Member can be obtained from the Administration Reports of the Tinnevely District Board for the years referred to which have been placed on the Editors' Table.

(f). The demand under house tax in 1894-95 was Rs. 1,780 while the estimated demand for 1899-1900 is Rs. 6,200.

(g) and (j). The Hon'ble Member is referred to the answers given to similar questions put by the Hon'ble M.R.Ry Vijayaraghavachariar.

(h). The Government is not prepared to pronounce any opinion in the matter.

(i). The answer to the first part of the question is in the negative. The second part, therefore, requires no answer.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu:—

XXII. With reference to my questions at the meetings of the Council held on the 20th November 1894 and 4th November 1895, about the appointment of District Judges, and the answers thereto, will the Government be pleased to state, whether it has come to any decision, as to the steps that should be taken to place this branch of the Judicial Service on a more efficient and satisfactory footing; and if so, will Government be pleased to state the same?

The Hon'ble Mr. Stokes:—

XXII. After a careful consideration of the subject, the Government has come to the conclusion that no effective measures for the training of junior civilians in Civil Judicial work can be introduced without a considerable increase of expenditure, and that the question must stand over for the present.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu:—

XXIII. Will Government be pleased to state the result of the further consideration which it promised to give to the question of the desirability of avoiding the frequent transfers among the Junior Members of the Civil Service (vide Question No. I at the Meeting of the Council held on the 26th February 1896 and the answer thereto)?

The Hon'ble Mr. Stokes:—

XXIII. After full consideration the Government has found it impossible to accept any of the schemes put forward for reducing the frequency of transfers among junior members of the Civil Service. A copy of G.O. No. 1065, Public, dated 22nd August 1898 which contains the latest orders on the subject will be laid upon the table.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu:—

XXIV (a). Will Government be pleased to state whether the concluding portion of the following rule (G.O. No. 881, Revenue, dated 30th July 1885), embodied in the Settlement Manual is now observed in the settlement of Districts?

"The Government resolve therefore to direct that henceforth the period to be adopted in all settlements for the determination of the commutation price shall be the 20 non-famine years immediately preceding such settlement * * * *
If however the commutation price thus arrived at, should be greater than the lowest rate touched by prices during the standard period, then such lowest rate or some convenient round number slightly less than it, should be accepted as the commutation rate without further deduction.

(b). If the latter part of the above rule is not followed, will Government be pleased to state when it was abrogated, and if so, why?

(c). Whether any notice was given to the public, before the said portion of the rule was cancelled, and if not, why not?

The Hon'ble Mr. Forbes:—

XXIV (a). The answer to (a) is in the negative. The Hon'ble Member's quotation is made from a copy of the Manual which has not been corrected up to date.

(b). In 1885, the rule quoted was laid down by Government for the guidance of settlement officers. In the following year it became apparent that the rule was ill considered, and that a commutation rate so arrived at might often in no wise represent the fair average price at which the Government share of the produce should be valued in money when making a settlement for the long term of 30 years. The rule was accordingly cancelled by Government in 1887 in favour of a rule under which the commutation rate is taken from the average price of the 20 non-famine years preceding the settlement minus an allowance for the difference between merchants' prices and ryots' prices.

This change of rule was approved by the Secretary of State in 1888.

(c). The rule was abrogated by the same authority as issued it and previous notice was not given to the public, because it was unnecessary.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXV. With reference to questions asked at the meetings of the Council, held on the 8th April 1896, 9th December 1896, and 23rd November 1897 and the answers thereto, will Government be pleased to state the result of the enquiry with reference to the subject, whether the price of paddy entered in the price returns, represents the price of new or old paddy?

The Hon'ble Mr. Forbes :—

XXV. The result of the enquiry was that it was found that the prices reported as those of first and second sort paddy were generally those of the chief superior or dearer and chief inferior or cheaper varieties selling in the local market at the time whether the grain happened to be new or old.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXVI. With reference to the opinion expressed by this Government in 1891, that no alteration could be made in the water rates in Godavari and Kistna during the currency of the settlement and with reference to the answer of Government at the meeting of the Council held on the 23rd November 1897, that the same was subsequently found to be erroneous, will Government be pleased to state when the said opinion was so found to be erroneous?

The Hon'ble Mr. Forbes :—

XXVI. During the course of a discussion between this Government and the Government of India in 1891 an opinion to the effect stated by the Hon'ble Member was indicated: but on further and fuller consideration this Government arrived at the final decision regarding the enhancement of the water-rate which was intimated to the Government of India in 1894.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXVII. Will Government be pleased to state the amounts spent each year on the improvement of the Kolair lake since November 1894, when Government was pleased to institute enquiries into the matter; and considering that the improvements already effected have conferred great benefit on nearly two lakhs of acres in and around the lake, will Government be pleased to state the measures it has proposed to adopt for effectually improving the drainage and the sanitary condition of the lake and the total amount proposed to be spent for the same?

The Hon'ble Mr. Stokes :—

XXVII. The estimated outlay on improvements to the Colair lake in 1896-97 was Rs. 11,900 exclusive of the amount spent on widening the main outlet at Kotada. In 1897-98 the estimated outlay was Rs. 8,000. The principal outlets of the lake have been widened, the long grass rooted out and other improvements executed.

The reply to the concluding portion of the question regarding future measures proposed and their cost is that this matter must rest until the effect of the work already done is seen.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXVIII. With reference to the answer of Government at the meeting of the Council held on the 8th April 1896, that the question of improving the drainage in the Godavari delta would be further considered, will Government be pleased to state what steps it has proposed to take to improve the drainage in the delta?

The Hon'ble Mr. Stokes :—

XXVIII. Since 1896 the following works have been sanctioned in connection with the drainage of the Godavari delta:—an estimate of Rs. 1,05,500 for a short cut on the Yenamadurra drain to Naidapalem yern in the Godavari Western Division, and an estimate of Rs. 1,350 for inlets to the same drain; an estimate of Rs. 23,000 for constructing a combined drainage outfall sluice, aqueduct and canal-surplus in the Bank Canal of the Godavari Central Delta; an estimate of Rs. 10,700 in connection with the Ainapuram drain.

As estimate of Rs. 39,100 for improvements to the Rangarazucodu drain is now before Government.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXIX. With reference to the statement placed on the table, showing the number of licenses issued in certain districts under rule 1, clause F, of the Tree Tax rules for the years 1892-93 to 1896-97, in answer to my question on the subject at the meeting of the Council held on the 9th December 1896, and in view of the fact that except in South Canara and Malabar, the privilege is not availed of to any appreciable extent, will Government be pleased to enquire why the benefit of the rule is not enjoyed, and to adopt such measures as may be considered necessary for removing the difficulties now experienced by the owners of trees in the matter of licenses for the drawing of toddy required for domestic purposes?

The Hon'ble Mr. Forbes :—

XXIX. A copy of the report of the Board of Revenue explaining why the concession has not been utilised will be placed on the table for the Hon'ble Member's information. The Government does not consider that at present any interference on its part is called for.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXX. With reference to question No. XXXIII at the meeting of the Council held on the 13th December 1893 and the answer thereto, will Government be pleased to state whether any and if so, what improvements have, since the issue of G.O. No. 1747, Judicial, dated 28th August 1893, been effected in the preparation of the lists of jurors and assessors, and whether any, and if so, what rules have since been adopted by Sessions Judges and District Collectors for the guidance of Tahsildars and village officers who are called upon to prepare such lists? If Government is not in a position to answer the question, will Government be pleased to call for a report in the matter?

The Hon'ble Mr. Stokes :—

XXX. The Government is not in a position to answer the question, and does not consider it necessary to call for a report at present.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXXI. With reference to the answer of Government at the meeting held on the 1st February 1898, that the merits of the system in connection with results grants were under the consideration of Government, will Government be pleased to state if it has come to any decision in the matter and if so what?

The Hon'ble Mr. Stokes :—

XXXI. The Hon'ble Member is referred to G.O. No. 461, Educational, dated the 27th July 1898, which has been placed on the Editors' Table.

The Hon'ble M.R.Ry. N. Subba Rao Pantulu Garu :—

XXXII. With reference to G.O. No. 174, Revenue, dated 10th March 1897, in reply to question No. XXXII, asked at the meeting of the Council held on the

13th December 1898, will Government be pleased to state whether any statements were made by or taken from Lieutenants Hogg and Francis and also from the Dy. Tahsildar, the Sub-Registrar, the Forest Ranger, the Inspector of Police, the Head Constable and the village officers of Chintalapudy, as to what transpired at Chintalapudy on the 17th May 1898; and if so, will Government be pleased to place the same on the table?

The Hon'ble Mr. Forbes:—

XXXII. The Government considers this matter closed. No useful purpose would in its opinion be served by adding to the information already given or publishing further papers relative to the case.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu:—

XXXIII (a). Will the Government be pleased to state the number of Medical men now employed temporarily on Plague duty in the Presidency of Madras, and what that expenditure comes to per mensem?

(b). How many of them have been imported from London, specially for Plague duty in this Presidency, and how long will their services be retained? What is the total salary of all such people per mensem?

The Hon'ble Mr. Stokes:—

XXXIII (a). The return received by Government dated 1st May 1899 shows that 36 medical men are employed on Plague duty in the Presidency. Their pay and allowances amount to Rs. 13,630 per mensem.

(b). Sixteen of the temporary medical men employed on Plague duty were imported from England and orders have issued under which the services of several of these doctors will shortly be dispensed with.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu:—

XXXIV (a). Will the Government be pleased to state, the total expenditure incurred for repair and construction of light houses in the Presidency of Madras from 1896 up to date?

(b). What are the special circumstances under which the Light House Division of the Public Works Department, was separately constituted, and whether the said works could not be entrusted to the ordinary Public Works Divisions, like other works as before, and will the Government be pleased to state (1) the amount actually budgeted (2) the amount actually spent, by the Light House Division during the years 1896-97, 1897-98 and 1898-99?

(c). Will the Government be pleased to state the incomplete light house works since started by the head of that Division, as also their valuation?

The Hon'ble Mr. Stokes:—

XXXIV (a) and (c). The Hon'ble Member is requested to repeat his question at the next meeting explaining as regards Question (c) more specifically what he requires.

(b). The work is of a special character and has therefore been put in charge of a specially qualified officer. But the Division is an ordinary Public Works Division.

The amounts actually budgeted for during the 3 years in question are as follows:—

	Rs.
1896-97 ...	Nil.
1897-98 ...	50,000
1898-99 ...	2,20,000

The amounts spent are as follows:—			Rs.
1896-97 ...	...	...	225
1897-98 ...	...	...	40,243
1898-99 ...	...	...	1,04,000 (approximate.)

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu:—

XXXV (a). Will the Government be pleased to state whether it is not necessary in accordance with the Government order on the subject, that persons before being appointed as Huzur Sarishtadars, should have had active service as a Tahsildar with a view to procure sound revenue experience?

(b). Has the attention of Government been drawn to the recent appointment of Huzur Sarishtadar made by the Collector of Kurnool, and will the Government be pleased to state whether the officer appointed has had the necessary qualifying service as a Tahsildar, and if not, what are the special circumstances that led the Board of Revenue to sanction such appointment in preference to his seniors who have had active service as Tahsildars in that District?

The Hon'ble Mr. Forbes:—

XXXV (a). The Government is not prepared to endorse so strict an instruction as that suggested in the Hon'ble Member's question. The standing rule is that "only such persons as have had considerable experience in the Revenue department" should be nominated for the post of Huzur Sarishtadar.

(b). The Government has no information on the subject but sees no ground to suppose that a wise discretion has not been exercised in selecting an officer to fill the post referred to.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu:—

XXXVI. Has the attention of Government been drawn to the unsatisfactory nature of the second class carriages of the South Indian Railway Company Limited, and will the Government be pleased to take the necessary steps to remedy the evil, now that the fare for a Second class in the South Indian Railway is as heavy as in other railways?

The Hon'ble Mr. Stokes:—

XXXVI. The Hon'ble Member is referred to the Consulting Engineer for Railways to whom, in the first place, complaints about railway accommodation should be addressed.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu:—

XXXVII (a). In view of the principle that the system of election to Municipal Councils, Local and District Boards, is mainly intended for men who are not in Government service, will the Government be pleased to frame rules prohibiting officials from standing as candidates therefor?

(b). Has the attention of Government been drawn to the recent elections of the Tahsildar of Cuddapah and the Huzur Sarishtadar of Kurnool at the head of the poll as Councillors for those Municipalities, respectively?

The Hon'ble Mr. Forbes:—

XXXVII (a). The Government has held that there is no objection to officials being elected and is not prepared to adopt the suggestion of the Hon'ble Member.

(b). The answer to this part of the question is in the negative.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XXXVIII. Will the Government be pleased to state whether it has submitted to the Government of India, its scheme for the re-organization of the Registration Department, and whether the scheme has been approved by them?

The Hon'ble Mr. Stokes :—

XXXVIII. The answer to the first part of the question is "Yes." The proposals require the sanction of the Secretary of State. The Government is not aware whether they have been approved by the Government of India.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XXXIX. Will the Government be pleased to state what are the special circumstances that led to the appointment of Mr. C. A. Wilkinson as Assistant, Mathematical Lecturer, Kumbakonam College, and what previous appointment he was holding, and what special circumstances led to his transfer to the Educational Department, and will the Government be pleased to place the correspondence on the table, on the subject between the Government and the Director of Public Instruction?

The Hon'ble Mr. Stokes :—

XXXIX. Mr. Wilkinson was, before his transfer to the Educational Department, a clerk in the Chief Secretariat of the Government Office on Rs. 140. He had previously been a master in the Doveton College, Madras. There were no special circumstances attending his transfer which was made in the interests of the public service. There has been no correspondence between Government and the Director of Public Instruction on the subject.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XL. With reference to the recent order of Government regarding the appointment of Accounts Clerks in the Public Works Department will the Government be pleased to state whether it will relax the rule as regards the age limit, in the case of those already in the service of the Public Works Department, prior to the date of the issue of the said order and who are qualified by experience and the passing of the necessary tests to hold the place of Accountants in the Public Works Department?

The Hon'ble Mr. Stokes :—

XL. The Hon'ble Member is referred to G. O. No. 1864-W., dated 25th July 1898. But the Government reserves to itself the right of disqualifying any particular man whom it may consider too old to enter a new establishment.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XLI (a). Will the Government be pleased to lay on the table, the correspondence between the Madras Municipality and the Government on the subject of interpellation by the Madras Municipal Commissioners, which was enjoyed by them till recently?

(b). Will the Government be pleased to state when the Madras City Municipal Act will be amended on the subject of interpellation, as similar provisions are to be found in the District Municipalities Act?

The Hon'ble Mr. Forbes :—

XLI (a). G.O. No. 682-M., dated 31st March 1898 which relates to this subject will be shewn to the Hon'ble Member.

(b). The amendment of the City of Madras Municipal Act will be undertaken in due course.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XLII (a). Will the Government be pleased to place on the table a return of the appointments of Stationary Sub-Magistrates made during the last five years, with their respective educational qualifications and how many of them have been promoted as Tahsildars and Huzur Sarishtadars?

(b). Will the Government be pleased to vest in the Board of Revenue the powers they had in the matter of the appointment of Tahsildars and Stationary Sub-Magistrates, as before?

The Hon'ble Mr. Forbes :—

XLII (a). In reply to the first part of the Hon'ble Member's question the Government regrets to be unable to find any sufficient ground for calling for the return requested. Its compilation would occupy much time and in the opinion of Government serve no purpose of commensurate usefulness.

(b). The Government is not at present prepared to withdraw the enlarged powers of appointment recently and experimentally conferred on Collectors. No appointment can be made except from a list of qualified officers which is periodically submitted to and scrutinized by the Board of Revenue, and in respect of any injudicious appointment the Board of Revenue retains its power of control.

The Hon'ble Ghulam Muhammad Sahib Bahadur :—

XLIII. Will the Government be pleased to state the circumstances which led to the reversion of Saiyid Alauddin Sahib, late Secretary to Negapatam Municipality to the Registration Department?

The Hon'ble Mr. Stokes :—

XLIII. The Government was satisfied that the relations between Saiyid Alauddin Sahib and the Chairman were so strained that it would be impossible for them to work together harmoniously. As the Secretary was then on probation he was ordered to revert to his appointment in the Registration Department.

The Hon'ble M.R.Ry. P. Rangayya Nayudu Garu :—

XLIV. Has the attention of Government been drawn to the resolution of the Provincial Conference held at Coimbatore in May 1899, anent the reform of Legislative Council election rules?

The Hon'ble Mr. Stokes :—

XLIV. The reply is in the affirmative.

(2). *Act assented to by His Excellency the Governor.*

The Secretary reports that the Bill to amend the City of Madras Municipal Act, 1884, which was passed into Law at the Council Meeting of 7th April last received the assent of His Excellency the Governor on the 14th idem.

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

His Excellency the President announces the assent of His Excellency the Viceroy and Governor-General to the following Acts :—

(1) An Act to amend Madras Act I of 1884 (the City of Madras Municipal Act, 1884).

(2) The Madras Registration of Births and Deaths Act, 1899.

(4). *Petitions, &c.*

The Secretary reports the communication to the Select Committees concerned of the following papers :—

G.O. No. 43, Legislative, dated 8th April 1899.

„ „ 44,	„	dated 13th	„	„
„ „ 46,	„	dated 13th	„	„
„ „ 52,	„	dated 24th	„	„
„ „ 53,	„	dated 24th	„	„
„ „ 55,	„	dated 6th May	„	„
„ „ 60,	„	dated 10th	„	„
„ „ 62,	„	dated 12th	„	„

(5). *Bill to amend Madras Regulation V of 1804.*

The Hon'ble Mr. G. S. Forbes presents the report of the Select Committee on the Bill and moves that the Bill and report be taken into consideration at once.

Notice has been given that the following amendments will be moved when the Bill is taken into consideration :—

Between Sections 1 and 2.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

After section 1 of the Bill insert the following as section 2 :—

“2. In the preamble to the said Regulation between the words ‘on behalf of whom the said trusts have been undertaken’ and ‘and whereas it is expedient’ insert the following, namely :—

“And whereas sundry other persons also feel incapacitated for diverse reasons to be in charge of and to manage such property on their own behalf.”

Section 2.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

Alter section 2 of the Bill to 3.

In section 3 of the Bill as altered sub-section (1) insert “own” between the words “their” and “affairs.”

The Hon'ble Mr. Forbes :—

In section 2, line 8, after the word “their” to insert the word “own.”

Section 3.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

Renumber section 3 of the Bill as 4.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In section 5-A proposed by section 3 of the Bill.

(i). For the words “whose property is under the superintendence of the Court of Wards,” substitute the words “who has been declared incapacitated on his own application under section 2 ;”

(ii). For the word “such” between the words “while” and “superintendence” substitute the word “the.”

(iii). Insert, before the word “lasts” the words “of the Court of Wards.”

(iv). To clause (e) add the following words at the end “so as to affect his property under the superintendence of the Court of Wards.”

Section 4.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

Renumber section 4 of the Bill as 5 and after 5 as so altered insert the following as section 6 :—

“6. After section 17 of the Regulation insert the following :—

“17-A (1). For the purpose of liquidating the debts as aforesaid, the Collector with the previous sanction of the Court of Wards, shall have power to raise money :—

“(a) by demising by way of mortgage or lease on payment of a premium, the whole or part of the property under management for a term not exceeding twenty-two years from the date of the notification published under section 28.”

“(b) by selling by public auction or private contract and upon such terms as the Collector thinks fit such portion of the said property as may appear expedient ;”

“Provided always that the portion sold does not exceed half the entire extent of the property under superintendence, according to its assessment value.”

“(c) by borrowing money at such rate of interest as appears reasonable to the Court of Wards.”

“(2). All powers heretofore exercised by the Court of Wards in manner set forth above or in any other manner to raise money for liquidating debt or for other lawful and necessary purposes shall be deemed to have been lawfully exercised under this Regulation.”

Sections 5, 6 and 7.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

Renumber sections 5, 6 and 7 of the Bill as sections 7, 8 and 9, respectively.

Section 6.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In the first clause of section 23, proposed by section 6 of the Bill,

(i). For the words “be joined,” between the words “proceeding” and “as,” substitute the words “represent him.”

(ii). Before the word “next,” add the word “his.”

Section 7.

Section 28.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In section 28, added by section 7 of the Bill,

(i). After the word “and” occurring after the word “situate,” insert the words “on the publication of such notification.”

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 28 of the Regulation 1st paragraph between the words "belonging to such person" and "shall be deemed," insert "or which may be acquired by or devolve on him during the continuance of the superintendence."

In the same section to the end of the paragraph add "or from the date of the acquisition or devolution of the property as the case may be."

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

Omit the following words "from the date of the order of the Governor in Council under section 2 declaring the incapacity or authorizing the Court of Wards to exercise its powers."

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

After section 28 of the Regulation insert the following :—

"28-A. On the publication of a notification under section 28, and during the continuance of the superintendence by the Court of Wards, the operation of all processes, executions, and attachments then in force for, or in respect of debts and liabilities incurred by the Ward, shall be suspended."

"During the same period no fresh processes, executions or attachments shall be issued by any Civil Court or Revenue Court in respect of such debts and liabilities."

Section 29.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In section 29, proposed by section 7 of the Bill,

(i). Add the following as sub-section (1)—

"Every person applying under section 2, to be declared incapacitated shall, together with his application, or within a time to be fixed by the Governor in Council, submit a statement duly verified by him, or by some other competent person in the manner required by law for the verification of complaints and containing true and full particulars as to the debts and liabilities to which the applicant is subject or with which his property is charged."

(ii). Renumber sub-section (1) of the Bill as sub-section (2)—

After the figure "28" in the sub-section, insert the words "in respect of a person declared on his own application to be incapacitated."

And for the word "the" between the words "of" and "incapacitated" substitute the word "such."

(iii). Renumber sub-section (2) of the Bill as sub-section (3) and at the end thereof add the following words :—

"The notice shall also be served, in the manner prescribed in the Code of Civil Procedure for the service of summons on a defendant, on all persons having such claims as aforesaid in so far as the names of those persons can be ascertained from the applicant and otherwise."

(iv). Renumber sub-section (3) of the Bill as sub-section (4).

Section 30.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 30, sub-section (1) for the words "may be admitted" substitute the word "presented" and after the words "six months" insert "may be admitted." For the word "when" substitute "if" and for the word "presenting" substitute "notifying."

After section 30 (1) insert as second para. thereto.

"An appeal shall lie to the District Court against every order of the Collector rejecting a claim under this section, if preferred within 30 days from the date thereof, and the decision of such Court on appeal shall be final."

Section 31.

The Hon'ble M.R.Ry. V. Bhashyam Aiyangar :—

Section 31.—In lieu of the last word of section 31, viz., "servants," substitute the following :—"labourers, artisans, or servants; or to mesne profits, rents or costs payable under decrees specified in the second paragraph of section 35."

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

Section 31; omit the section in order to be replaced after section 33.

Section 32.

The Hon'ble M.R.Ry. P. Rangayya Nayudu :—

In section 32 omit the words "whether such claim be allowed or." Renumber section 32 as 32 (1) and after section 32 (1) as thus numbered, insert (2) "For the purposes of investigation conducted by the Collector under this section, he may summon and enforce attendance of witnesses and compel them to give evidence and to produce documents by the same means and as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure."

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 32 omit the words "whether such claims be allowed or." After the words "Court of Wards" at the end of the section add "in whole or in part in order to establish the validity of the claim."

"Every such claim or part of a claim whose validity is established by a Civil Court shall be notified to the Collector within one month from the date of the final decision by such Court, and shall be registered by the Collector as payable to the person in whose favor such decision is passed."

Renumber section 32, as thus amended, as section 31, and section 33 as 32.

Section 33.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

(i). Omit sub-section (i) of section 33, proposed by section 7 of the Bill.

If this amendment be not carried then—

(ii). In sub-section (1) after the figure "29" add the words "on proof that the claimant was aware of the notification under section 29 and had no sufficient cause for not presenting the claim within the time prescribed therein."

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 32 as renumbered sub-section (1) after "section 30" insert "or section 31."

The Hon'ble M.R.Ry. P. Ratnasabhapatil Pillai :—

At the end of section 33 (i), after the words section 29, to add the following words :—

"Or, in cases in which the time is extended by the Collector under section 30 (1), from the expiration of such extended period."

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—
Omit sub-section (2).

The Hon'ble Mr. Forbes :—

In section 33 to omit sub-section (2) and to insert at the end of sub-section (1) the following words "*and shall be payable only after the discharge or satisfaction of the claims notified or admitted under sub-section (1) of section 30.*"

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In sub-section (2) of section 32 as renumbered after "section 30" insert "or section 31."

After section 32 as renumbered insert :—

"33. Nothing contained in section 32 shall apply to any pecuniary claim of Government or any local authority as defined in the General Clauses Act, 1897.

Between Sections 33 and 34.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

After section 33 insert the following sections :—

"33-A. When the amount of the debts and liabilities due to the several claimants has been determined in the manner prescribed in section 31, the Collector shall, after giving due notice to the parties concerned, proceed to rank such debts and liabilities according to the order in which they shall be paid and to fix the interest (if any), to be paid thereon, respectively from the date of the final decision thereon to the date of the payment and discharge thereof."

"An appeal shall lie against any decision or order of the Collector passed under this section to the District Court, if preferred within 30 days from the date thereof, and the decision of the District Court on such appeal shall be final."

"33-B. When the total amount of the debts and liabilities including those due and incurred to Government or any local authority as defined in General Clauses Act, 1897 has been finally determined as above, the Collector shall prepare and submit to the Court of Wards a schedule of such debts and liabilities, and a scheme shewing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management or with the aid of funds raised under the powers hereinbefore conferred, or partly in one of such ways and partly in the other."

"Every such scheme shall further provide for the continuance of the payment of all other charges properly payable under this Regulation, and for the repayment of the money (if any) which it is proposed to borrow under this Regulation."

"On such scheme being sanctioned by the Court of Wards it shall be given effect to by the Collector."

"The Court of Wards may, at any time after it has sanctioned the scheme, revise and modify the same but not so as to affect the amounts due to the several claimants or their order of payment and rate of interest, as determined under sections 31 and 33-A, respectively."

Section 35.

The Hon'ble Mr. Forbes :—

In section 35, line 10, after the words "*execution of decrees*" to insert the words "*passed by Civil Courts:*"

And in lines 13 and 14 for the words "*a Civil Court has ordered or may order any such immoveable property to be sold,*" to substitute the words, *any such property has been ordered or is liable to be sold.*"

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 35 of the Bill omit the words "whether such decrees be passed prior to such notification or subsequent thereto."

In section 35 omit the words "or may order," and "whether such decrees be passed prior to such notification or subsequent thereto."

The Hon'ble M.R.Ry. V. Bhashyam Aiyangar :—

Section 35.—Between the first and second paragraphs of section 35, insert the following :—"Nothing in the former part of this section shall apply to decrees for possession or partition, with or without rents or mesne profits, of property, moveable or immoveable, notwithstanding that, in execution thereof, immoveable property has been ordered, or is liable, to be sold, or to decrees in execution of which immoveable property is liable to be sold only for the realisation of costs."

Section 38.

The Hon'ble M.R.Ry. C. Jambulingam Mudaliyar :—

In section 38, sub-section (1) omit the words "or after liquidating some of the debts and liabilities," and the words "or such of them as have not been liquidated and in either case."

Before the words "the legal incapacity," insert the word "and."

In sub-section (2) of section 38, omit the words "and his debt remains unliquidated, &c.," up to under "sub-section (1)," and add to the end of the sub-section :—

"From the date of release of the property under sub-section (1) from the superintendence of the Court of Wards."

After sub-section (2) of section 38, insert "(3) When, under section 49, any lessee is dispossessed or any additional consideration for the lease has been demanded and taken from him, or agreed to be paid by him or decided by the District Court as payable by him, the Court of Wards shall replace him in possession, from the date of release of the property under sub-section (1) from the superintendence of the Court of Wards, or refund to him the amount of additional consideration demanded and taken from him, as the case may be, and the agreement of the lessee or the decision of the District Court (if any), shall thereafter be ineffectual."

Renumber sub-section (3) of section 38 as sub-section (4) and in the same sub-section omit the words "remaining unliquidated at the time when his property is so released."

After sub-section 4) as thus renumbered insert "(5) The processes, executions, and attachments stayed and suspended under section 28-A shall revive from the date of the said release under sub-section (1)."

Renumber sub-section (4) as (6).

Section 39.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In sub-section (1) of section 39 after the word "thereof" add the words "of a person declared incapacitated on his own application, and which is."

Omit sub-section (2).

The Hon'ble Mr. Forbes :—

In section 39 in sub-section 3, line 27 for the word "may" to substitute the words "shall in cases where the mortgage debt has been notified to or admitted by him :"

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

In sub-section (3), after the word "accordingly" add the words "copy of the order shall be served upon the incumbrancer in the manner prescribed by the Code of Civil Procedure for service of summons upon a defendant."

And for the words "one month" between the words "within" and "from," substitute the words "six months."

And after the word "date" insert the words "of service upon him."

The Hon'ble M.R.Ry. P. Ratnasabhapati Pillai :—

(1). In section 39 (3), instead of the words "within one month" to substitute the words "within six months."

(2). In the same sub-section, instead of the words "in a District Court," to substitute the words "in a Civil Court of competent jurisdiction."

The Hon'ble Mr. Forbes :—

In sub-section, (3) line 37, after the word "shall" to insert the words "if the mortgage debt has been notified to or admitted as aforesaid :"

In sub-section (4) line 45, after the word "shall" to insert the words "subject to the provisions of section 33."

The Hon'ble M.R.Ry. V. Bhashyam Aiyangar :—

Section 39.—For sub-section (4) of section 39, substitute the following :—

"(4). When any incumbrancer is dispossessed under this section, the money due to him under the instrument of mortgage at the date of such dispossession together with future interest on the principal of the mortgage debt at the rate stipulated in the said instrument, and in the absence of such stipulation, at the rate determined as hereinbefore provided, shall, subject to the provisions of section 33, be recoverable on the security of the property mortgaged and of the rents and profits issuing therefrom in the same manner as if he were a simple mortgagee thereof under the said instrument."

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

To sub-section (4) add the following words at the end :

"He shall also be entitled to compensation for any improvements he may have made upon or in respect of the property mortgaged and the compensation shall be a charge upon the property."

Section 40.

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

(i). Omit section 40.

If the above amendment be not carried,

ii. In para. (1) omit the word "incapacitated" between the words "the" and "proprietor" and after the word "proprietor" insert the words "declared incapacitated on his own application."

The Hon'ble Mr. Forbes :—
In section 39 in sub-section 3, line 27 for the word "may" to substitute the words "shall in cases where the mortgage debt has been notified to or admitted by him :"

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—
In sub-section (3), after the word "accordingly" add the words "copy of the order shall be served upon the incumbrancer in the manner prescribed by the Code of Civil Procedure for service of summons upon a defendant."

The Hon'ble Mr. Forbes :—
And for the words "one month" between the words "within" and "from," substitute the words "six months."
And after the word "date" insert the words "of service upon him."

The Hon'ble M.R.Ry. P. Ratnasabhapati Pillai :—

(1). In section 39 (3), instead of the words "within one month" to substitute the words "within six months."

(2). In the same sub-section, instead of the words "in a District Court," to substitute the words "in a Civil Court of competent jurisdiction."

The Hon'ble Mr. Forbes :—

In sub-section, (3) line 37, after the word "shall" to insert the words "if the mortgage debt has been notified to or admitted as aforesaid :"

In sub-section (4) line 45, after the word "shall" to insert the words "subject to the provisions of section 33."

The Hon'ble M.R.Ry. V. Bhashyam Aiyangar :—

Section 39.—For sub-section (4) of section 39, substitute the following :—

"(4). When any incumbrancer is dispossessed under this section, the money due to him under the instrument of mortgage at the date of such dispossession together with future interest on the principal of the mortgage debt at the rate stipulated in the said instrument, and in the absence of such stipulation, at the rate determined as hereinbefore provided, shall, subject to the provisions of section 33, be recoverable on the security of the property mortgaged and of the rents and profits issuing therefrom in the same manner as if he were a simple mortgagee thereof under the said instrument."

The Hon'ble M.R.Ry. C. Vijayaraghavachariar :—

To sub-section (4) add the following words at the end :

"He shall also be entitled to compensation for any improvements he may have made upon or in respect of the property mortgaged and the compensation shall be a charge upon the property."

Government of Fort St. George
LEGISLATIVE DEPARTMENT.

NOTICES

FOR THE

MEETING OF THE COUNCIL

On Tuesday, the 6th day of June 1899
at twelve o'clock noon.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

C. J. J. J.

Questions and answers at the meeting of the Council
held on the 6th day of June 1899:—

Q. 1. The Public Department will be informed.

communicated to the Departments of the Government
concerned for information and guidance.

2. The attention of the Public Department will be drawn
to the answers given to questions IV and VIII.

(True Extract)

A. J. J. J.

for Secretary to Govt.

To the Public Department.

When given for copying

When copied 24/6

When examined 26/6

When signed 26/6

1899

READ AGAIN G.O., No.

189

, DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DISPATCH
IN ORIGINAL.

N.B.—

A = Copy in full

B = Not to be copied

C = Copy abstract only

D = Copy, summary only

80 1065/98
Sent to the
to be put in the
to be put in the
Copies used
29/6/98