

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1330

Press
~~Mis.~~

359.361

Dated

18-7-1918

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
18th July 1863.*

Read the following papers:—

No. 359. Proceedings of the Board of Revenue, dated 4th March 1863.
Read the following letter from G. A. BALLARD, Esq., Collector of Malabar, to W. HUDLE-
STON, Esq., Secretary to the Board of Revenue, dated Calicut, 20th February 1863,
No. 29.

SIR,

* Dated 10th February 1863.

1. Adverting to the Board's Proceedings quoted,* I have the honor to submit a rough Memorandum of the general principles on which I think a legislative enactment for providing and maintaining cross roads in Wynád might be framed. It was written after perusing summaries of some of the Ceylon ordinances.

2. I have sent a copy of this to the District Engineer and the Planters' Association, inviting comment, and on the receipt of their replies, and further consideration of the subject, will submit a draft for an Act if desired.

3. I submit the Memorandum at this stage principally because, though paragraph 13 of Government Order, dated 26th November last, No. 2,489, apparently contemplates the whole cost of construction and maintenance being thrown on the inhabitants, I think that on several considerations it might be expected that a moiety of the amount required for the construction of a line might be given by Government, leaving the other moiety, and cost of maintenance, to be provided for by the Estates.

4. This assistance may be perhaps especially expected as the minimum area of an Estate has been fixed in my Memorandum † pretty high. It has been so advisedly as the principle of representation is to a considerable extent involved in the scheme; and, if the assessment is carried too low, it becomes practically impossible to carry this principle out. Many, therefore, who do not contribute directly to the construction (or, unless tolls are established, to the maintenance) of these roads would benefit by them. A moiety paid by Government would remove any ground of complaint on this score by the rate payers; and the increased development of the country would probably well repay the Government expenditure.

5. I have not proposed this in the Memorandum, because I did not wish to moot the question until I had ascertained the views of Government; but I beg that if the Board approve, it may be brought to their favorable consideration.

MEMORANDUM.

It appears to me that a workable scheme for the construction and maintenance of cross roads in Wynád may be determined on the following principles, effect thereto to be given by legislative enactment:—

N. B.—“Estates” to be tracts of land upwards of 50 Acres,
“Proprietors” to include sole and joint proprietors and managing Agents.

1. A Committee to be formed of two proprietors from north, south and south-east Wynád, respectively.

The Collector and District Engineer or their local representatives, to be ex-officio Members. The Collector to be President and have a casting vote in even divisions (one European and one Native proprietor might be returned from each of the sub-divisions of Wynád. The European might be elected by the European proprietors of the sub-division. It would probably be necessary for Government to name the Native proprietor).

2. Three or four proprietors, considering any branch line of road desirable, to address the Committee with such particulars as they can give of the necessity, direction, and rough probable cost of proposed line.

The Committee on due enquiry to determine whether the proposed line is desirable or not, and if deemed desirable, what Estates should form a District liable to assessment for the line proposed.

4. Notice to be given to proprietors of Estates proposed to be included in such District and time fixed for hearing and determining objections, &c.

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5. When Committee has fixed the limits of such District notice to be given to each proprietor therein of the proposed construction of the line, and unless objection in writing is received within a specified time consent of each proprietor to be assumed.
6. Consent of a majority of two-thirds of proprietors to sanction levy of a cess apportioned on all the proprietors of such District to meet the estimated expense.

* It will be necessary to estimate this in general. The Committee would generally be able to arrive at a fair conclusion. This is proposed because the holders of Government land under the new rules will pay a heavier assessment throughout their Estates than the holders of lands purchased from private individuals, who only pay assessment on the cultivated area. All land-holders should pay throughout. Even un-opened land benefits by the opening of a road; but cultivated land may reasonably be expected to pay a higher rate.

7. The total estimated amount to be apportioned on the whole acreage* of the Estates of the District, double† rates being leviable on all cultivated acreage therein paying a specific land assessment per cultivated Acre.
8. The assessed amount to be collected under the same Rules and by the same Agency as the land revenue, but to be kept under a separate account, and paid to the Committee as required on their order. The amount to be expended by the Committee, under such general Rules as the Government in Council may from time to time issue.

9. The Committee from time to time to fix the mileage rate per annum required for the maintenance of any line, and the amount to be raised either by a toll or tolls on the line, or by an acreage rate to be distributed on the Estates of the road Districts as provided in paragraph 7, to be collected, and expended by the Committee as provided in paragraph 8.

(Signed) G. A. BALLARD, *Collector.*

1. Mr. Ballard proposes that Government should accept a liability beyond that extent to which they have expressly limited their undertaking in the matter, and in some respects materially differing in character, as for instance in the mode of collecting the local rate and the agency to be employed for this purpose.

2. The Board do not consider that he shows sufficient grounds for his proposals, and they cannot support his scheme, but they resolve to submit his letter for the consideration of Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, *Secretary.*

No. 360. From G. A. BALLARD, Esq., Collector of Malabar, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Kongad, 9th May 1863, No. 50.

SIR,

* Dated 10th April 1863.

1. I have the honor to forward copy of a letter* addressed to me by the Planters' Association regarding my proposal for an assessment for cross roads in Wynád.

2. I trust that as the proposition does not appear to be objected to by the Planters, nor by the very few Natives with whom I have spoken, who really have an opinion on the matter, the Government will be pleased to give speedy effect to this, or some other simple plan for the opening of cross roads.

3. I would respectfully urge that a guarantee of the contribution of half the cost of construction for these roads be given for reasons stated in my letter† to the Board of Revenue.

† Dated 20th February 1863, No. 29.
From A. C. BARNES, Esq., Secretary Planters' Association, to G. A. BALLARD, Esq., Collector of Malabar, dated Vithry, Wynád, 10th April 1863.

SIR,

1. In reply to your letter of the 17th of February on the subject of the construction and maintenance of cross roads in Wynád, I am desired by the Committee of the Planters' Association to recommend that the Committees noted in your Memorandum should consist of two European and one Native proprietor in each District with the Collector and Engineer

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ex-officio Members. The European Members of Committees to be elected yearly by a majority of the European proprietors or their representatives.

2. The draft of an Ordinance otherwise appeared to the Committee to embrace the question fully.

(True Copy.)

(Signed) G. A. BALLARD, *Collector.*

No. 361. ORDER THEREON, 18th July 1863, No. 1,330.

1. In paragraph 13 of their Order dated 26th November 1862, No. 2,489, the Government expressed their intention of legislating with a view to enable landholders in Wynád to raise funds for the construction of cross roads, subsidiary to the main lines and Ghauts which Government have undertaken to make and maintain.

2. With the first of the papers above recorded the Board submit a Memorandum, prepared by the Collector, of the leading principles on which, in his opinion, the proposed Law should be framed.

3. The Government will first notice this Memorandum.

4. The Collector apparently contemplates a single Committee for all Wynád. Considering the size of the Talook and the divergent interests of the residents in different localities, the Government think a single Committee insufficient. The Act should enable Government to appoint as many Committees as may be necessary, assigning to each its territorial jurisdiction.

5. Each Committee should consist of not less than three members. Every proprietor of more than 50 Acres of land in a separate block or Estate should have a vote in electing the members, additional votes not exceeding a fixed maximum, being allowed to proprietors of larger Estates.

6. The Government have no objection to the Collector or any of their Officers acting on the Committee if elected by the voters, but they see no occasion to stipulate that the Collector or District Engineer should ex-officio be members.

7. The application of a majority of landed proprietors in any Division, should be sufficient to enable Government to declare the Act in force in that Division, and to authorize the Collector or in his absence the Deputy Collector to convene a meeting of landholders to elect a Committee and frame rules for working the Act.

8. The rules and the rates of cess, tolls or other charges should be subject to the approval of Government.

9. The collection of the contributions, expenditure, audit of accounts, &c., should be provided for in the rules and be managed entirely by the Committee.

10. These remarks will, the Government hope, enable the Board to prepare a draft of the proposed Act.

11. The Government concur with the Board that the Collector contemplates greater interference on their part than is either necessary or desirable. The planters of Wynád are well able to manage their own affairs, all that they need is legal power to carry out their designs and to distribute the burden fairly on all who benefit thereby.

12. The Government have already pledged themselves to as large an expenditure of public money on the roads and Ghauts of Wynád as is likely to be at their command and as they can give consistently with the claims of other parts of the Presidency. They cannot, therefore, guarantee a contribution of a moiety of the expense of cross roads, but the assistance and advice of their Engineer and Revenue Officers will be readily afforded.

(Signed) J. D. SIM,
Secretary to Government.

Proceedings of the Madras Government
under date the 18th July 1866.

Read the following
Papers:-

Pro: of the Board of Revenue
Submitting with
remarks a letter from
the Collector of Malabar
on the subject of a legis-
lative enactment for
maintaining cross roads
in Wynad:-

(Here enter 4th March
1863, No. 1)

From the Collector of Malabar:-
Itwards a letter
from the Planters Association
requests to give effect to the open-
ing of cross roads & to give a
guarantee of the contribution
of half the cost of construction
for these roads:-

(Here enter 9th May 1863, No. 1)
In para 13 of
their order dated 26th No-
vember 1862 N^o. 24 89

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2. With the first of
the ^{papers} ~~letters~~ above recorded
the Board submit a Memo
prepared by the Collector
of the leading principles
on

Government to
declare the Act
in force in that
division and to au-
-thorize the collector
or in his absence,
the Deputy Collector
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of Landholders
to elect a Committee
and frame rules
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14 Copies to the B of Road with one Enclosure Drafted by

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Pro. No. 319-323
26-11-62

Revenue 1863 Departt.
Pro: of Govt. for July.

No 1330.

Pro: of the Madras Govt.
D^d 18th July 1863.

Pro Board of Revenue D^d
23 Aug 1864 C^o 2269

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Memorandum by the
Collector of Malabar of the
leading principles which
the proposed Law relating
to the cross roads in
Malabar should be
framed, with orders
thereon.

No 359 @ 361.