M.R.O. 14–5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1258 Press / Mis.

Dated 28. 5. 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 28th May 1866.

No. 479. Read the following Proceedings of the Board of Revenue, dated 19th April 1866, No. 2,728 :—

Read the following letter from the Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 14th March 1866, No. 91.

1. In continuation of my letter to your address of the 8th August last, No. 168, I have the honor to submit copies of a letter to my address from the Assistant Secretary to Government, Legislative Department, and of a revised Bill "to enable landholders in certain localities to make provision for the construction, "repair, and maintenance of cross-roads in the District in which their lands are "situated."

2. Some important alterations have been made in the Revised Bill, on the original Draft Bill; but I regret to see that even as it now stands, the Bill entirely fails to recognize the simple and most important principle; the only principle on which as it seems to me such a measure can equitably work, viz., that those who desire and mainly benefit by the Bill should have power to assess their own property, but should *not* have power to assess the property of a mass of petty cultivators who neither desire the introduction of such a Bill, nor will have any voice in the distribution of funds raised under its provisions.

Vide Collector to Board, dated 8th August 1865, and Collector's Memorandum, dated — idem.

3. I would respectfully beg attention to my former remarks on this subject.

The special legislation proposed is undoubtedly and directly on account of, and to further the interests of a particular class, viz., the Coffee Planters.

It is most desirable that a body of enterprizing and intelligent men should have power to assess themselves, and their properties, for their general weal.

But it is neither desirable, nor just, that these men, whose interests do diverge widely from those of the ordinary cultivators, should be entrusted with the power not only to assess themselves but to assess a number of petty cultivators as just said who have in many respects diverging interests; and who, moreover, have neither voice nor vote regarding the application of the Bill to their locality, nor regarding the method of raising funds under it, nor the employment of the funds that are raised.

4. In fact if the Bill, as it now stands, is passed, it will be inoperative, or it will be unfair.

If the number of rice cultivators qualified to vote in any locality is sufficient to carry the day, I venture to say that the Bill will never be introduced there.

If the rice cultivators are few, or, as probably will be more generally the case, though numerous enough not qualified to vote, then, I respectfully maintain, the action of the Bill, when introduced, will be unfair.

5. I would, therefore, again submit, for consideration, whether the most, nay only, equitable arrangement is not what I before proposed, or something similar, viz., to prescribe what are to be considered "Estates" for the purposes of the Act, and give "proprietors" power to assess themselves and themselves only, excepting

in so far as the levy of tolls on their communications, enable them to obtain assistance from the public.

6. Where roads were opened that seemed conducive to the public benefit it would be, of course, open to the Collector to allot grants-in-aid from the General District Funds; surely a more natural way of contributing assistance than by placing the public under assessment by a class.

7. I am directed to obtain the opinion by the Planters' Associations, "especially with reference to the expediency of including rice lands in the proposed taxation;" but if the Government, whose province especially it is to guard the interest of all, prepares a measure, and lays it before a class for consideration, is it to be expected that that class will object to have a large extent of property subjected to assessment mainly for the class' interests, and so lighten the burden that would otherwise fall on its own property only? Under such circumstances, the most conscientious planter could hardly be blamed for observing that if Government saw fit to assess rice cultivation towards coffee roads, it was not for him to object.

8. The planters may see the complications that may arise from the compulsory inclusion of rice cultivation; but it should not be left to their decision.

9. I bring the matter thus early to the Board's notice, in the hope they will give it due consideration from the ordinary cultivators' point of view.

10. Meantime, of course, I shall attend to the instructions conveyed to me by Government, in the Legislative Department, as regards communication with the planters and submission of the information regarding extents of rice and coffee lands required.

ENCLOSURE No. 1.

ABSTRACT.—Copy of a letter from the Assistant Secretary to Government, Legislative Department, dated 6th March 1866, No. 130.

ENCLOSURE No. 2.—Revised Bill.

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1. Ordered that the above paper be submitted for the consideration of Government, with the expression of the Board's general concurrence in Mr. Ballard's views on the Bill to enable landholders in particular localities to make provision for the construction, &c., of cross-roads.

2. The Board have already (Proceedings 12th October 1865, No. 6,461,) expressed their opinion that ordinary Ryots in the Wynaad should be exempted from its operation.

No. 479A. MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

1. I have had under my consideration the papers relative to the contemplated Act to enable the proprietors of Wynaad to construct cross-roads by imposing a local assessment on the land, and the perusal of these documents has left the following impression on my mind.

2. A small numerical minority of enterprizing Englishmen, possessing large estates partially cultivated with valuable exotic crops, should not be entrusted with the power, even in conjunction with some native landowners, following the same system, of assessing the lands of the numerical majority of the Native rural population engaged in the traditional cultures of the country. Such a power might have been conferred in too great a measure by the original drafts of Bills framed on this subject, in which a plurality of votes was awarded to the large landholders, while a great number of small landholders were excluded altogether.

3. The modifications suggested by Mr. Ballard eliminate the danger of oppressive action on the part of the large landholders, but do so by depriving the Ryot of all share in the duties, responsibilities, and benefits of the projected system. The Collector suggests a scheme under which the foreign proprietors and native proprietors of the same class should combine for the purpose of self-taxation, but without the power of imposing a cess on the lands occupied by native cultivators of the common order. This would give the large proprietors the faculty of making and keeping roads of an exclusive character, which seems objectionable, or it would give the Ryots the right of using roads to which they do not contribute, which also seems objectionable. The plan of the Collector, for the self-taxation of a particular class, would probably produce no considerable beneficial results. One scarcely sees why such a project should necessitate legislation at all. If certain contiguous proprietors desire to coalesce for the purpose of making local roads for the improvement of their estates, there is nothing, I presume, to prevent them associating for this end, and negotiating for the right of passage with their humbler neighbours.

4. The proposal of Mr. Ballard is probably one for which the planters of Wynaad would not thank him. What the planters aim at is to make good cross-roads, and to tax the whole country for the construction and maintenance of those roads. It is the business of Government to inquire whether this can be done without violating the interests and feelings of the old population.

5. I think that if it be desirable to pass a special Act to facilitate the creation of cross-roads in Wynaad by local self-assessment, that assessment should be general on all classes; that all should co-operate in imposing it; and that provisions should be carefully framed to prevent the undue ascendancy of any one class over the rest. The poor must be protected against the impatient intelligence and enterprize of the rich; the rich must be protected against the obstructive ignorance and indifference of the poor. Capital must be defended against numbers, and numbers against capital.

6. Perhaps these objects might be attained by constituting the bodies entrusted with the imposition of the cess on the basis now suggested.

7. A representative unit in the land, and a system of electoral classes might be adopted. The representative unit might be, say, one hundred acres of cultivated land. The possession of such an estate would give the proprietor the right to sit and vote in the Circle Road Meeting. Proprietors of less than one hundred acres and more than fifty acres would elect delegates in the proportion of one delegate to one hundred acres of cultivated land. Proprietors of less than fifty acres and

more than ten acres would do the same. The mass of smaller landholders, possessing less than ten acres, down to the very lowest, would have the same right of electing delegates in the proportion of one for one hundred acres of cultivated land, irrespective of the nature or value of the crop. No member of the Circle Road Meeting should have more than one vote.

8. Uncultivated land should be unrepresented.

9. By some such contrivance as this a distinctive voice and authority might be secured for knowledge and wealth, the Native population would be fairly represented, and Europeans and Natives would not be sharply divided, for the middle electoral categories would probably contain individuals of both nationalities.

10. These remarks are offered in a suggestive spirit, for I am sensible that my want of local knowledge renders me incapable of judging what is possible and what is not possible. A system in some degree similar to that which I have sketched out, has been adopted recently in the election of Provincial assemblies in Russia, where there is an enterprizing and enlightened aristocracy cultivating their estates by capital and science, side by side, with primitive peasant communities, proprietors of land.

21*st May* 1866. NAPIER.

No. 480. ORDER THEREON, 28th May 1866, No. 1,258.

Land Revenue.

Ordered to be transferred to the Legislative Department, with a copy of the Minute of the Right Honorable the Governor, dated 21st instant.

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

3

Note

In their order of the
26 Nov. 1862 the first
permitted to make
a number of Roads
& Chauts
on Unequal terms
Imperial Funds -
and told the people
that cross lines where
necessary must be
made by themselves.
"All" - they said - "that
"the first can do, is by
"means of a legal enact-
"ment, to enable the
"landholders of any
"locality to raise funds
"for such purposes by a
"cess on lands, by tolls,
"or by such other means
"as may be most accepta-
"able to those concerned."
After much cor-
respondence & di-
cussion a Bill of a

I am in the Hon. Mem-
ber who preferred it
now before the Honble
Legislative Council.

Mr Ballard's Ob-
jects to the Bill be-
cause it applies to
all classes of Inhabi-
tants of the Island -
that the Coloured Planters
are the persons who
will benefit by the
Law - he would make
them to tax themselves
for the purpose - but
would not give them
power to tax the native
powers of rating - i.e.
ordinary Property - The
Bill can only
levy -

I do not myself see
how the Law can re-
gulate any distinction
of classes - such as
you see here - If it

Lord render them liable
in common with Planters in
the hope that - them large
majority they may nullify
all that the Planters would
attempt to their disadvantage

Mr Ballard
now I of the Bill
can become Law
Yes JP

Yes JP

true

give the Planters the
great privilege of pay-
ing for the Roads, it
must also give them
the privilege of keeping
non-paying Negroes
them, which would lead
to a very undesirable
state of affairs - all
Lively must benefit
by good roads to-
get in Wynaad, he
else in here - why should
not all on the hills
make such roads?
It may be that
the Planters will
get the most - but
such differences can
be adjusted in fixing
the rates of cess -
which rates, it must
be remembered, re-
quire the approval
of Govt before they can
be levied -
The Coll & Bd also main

tain that if ordinary Electors are to be taxed they ought to have a voice in the matter - The Qualification for voting may be brought as low as pleased - and certainly ought to be low enough to include the intelligent classes - but I do not see by "universal suffrage" should be understood - for I could not allow them - Mr Lowe allows things & persons to be represented as well as numerical suffrage.

Lord Grey thinks that voters always entitled

I should be very loth to assume fair treatment

The question how low the qualification should be cannot be determined until the Leg Council and the returns called for in Sir Graves's letter

very H.R.

after carefully considering the petitions which have flooded Downing Street and the Colonial Office of late from the Inhabitants of Wynaad, and the Colonial Office for years been dealt with most liberally. Other parts of the country have sacrificed to Wynaad - any further promise of aid whether from "general district funds" or any other source than the contributions of the people of Wynaad would be very impolitic - and indeed unjust to the

Leeds & the District
[illegible] & Hollard has
[illegible] this case
Lord Clarendon, but to
[illegible] desire full
[illegible] for the
[illegible] Chancery of a
[illegible] of Money
[illegible] made
[illegible] Wynad
[illegible]

[illegible] Upon
[illegible]
[illegible] Bill first be
[illegible] to
[illegible] on the
[illegible] be tested after
[illegible] or
[illegible] Bill [illegible] come
the Legislative Council
to deal with the
Subject?

L. D.

Illicit Sale.
Jf.

Personally, I have
been full cautious in
taking successful action
of any Bill on this subject,
and if the Govt. should be
justified in staying this
steps, I would, I think,
be disposed to let the Bill
drop through and endeavour
to override the declaration
made on Govt. 25 Aug 65, No
1726. that the Law for
levying a General rate for
Municipal purposes is inap-
plicable to Wynaad
& must be treated as a
Special enactment.
If I feel satisfied that I
will secure extreme legis-
lative interference to make
the intended Law such as will
relieve the poor classes
of petty collectors,

from the overbearing advances
of Coffee Speculators, &c. under now,
& under the native farmers
of that description such mere
cyphers that they are scarcely
ever thought worthy of
mention, much less consideration.
Whatever may be done in
only as Regards Coffee
planters; and to moderate
check at the further increase
their influence, I would allow
a vote to any native occupier
however small a piece
of land. But it will be absolutely
necessary to prevent
the Magistrate subject to the immediate
dominations
of the planters - and saddle
him with what he will most
hate or what he can
hardly afford to pay.

WH

In Billamy's letter
& Govt Proceedings
noted in the
margin on the
Select Committee of the
Leg Council on the
Bill - upon receipt
must be particularly
attended to in favour
of the Collectors
letter. They will

Note

Jurists

I have had under my consideration the Papers relative to the contemplated act to enable the Inspectors of Impressed Roads to construct such roads by imposing a local assessment on the land and the perusal of these documents has left the following impressions on my mind.

A small numerical minority of enterprising English settlers possessing large estates partially cultivated with valuable exotic crops should not be entrusted with the Power, even in conjunction with some native landowners, following the same system, of assessing the lands of the numerical majority of the native rural population engaged in the traditional cultivation

dentation & great difficulty in performing a bill for the repair of the Roads and Bridges of this Presidency as will answer.

JP

I agree with Mr. Prinsep that the Papers should be made over to the Select Committee of the Legislative Council on the Bill. I have submitted some suggestions in a separate Memo. N.

Enc

cultures of the Country. Such a power might hardly be conferred in too great a measure by the original Drafts of Bills framed on this subject in which a plurality of votes was awarded to the large land holders while a great number of small land holders were excluded altogether.

The modifications suggested by Mr Ballard ~~exclude~~ diminish the danger of oppressive action on the part of the large land holders but does so by depriving the Ryot of all share in the duties responsibilities and benefits of the projected system. The Collector suggests a scheme under which the Foreign Proprietors and native Proprietors of the same class should combine for the purpose of self taxation but without the

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of the rich the rich must
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But my want of local knowledge renders me incapable of judging what is possible and what is not possible. A system in some degree similar to that which I have sketched out has been adopted recently in the district of Provincial Rupia where there is an enterprizing and enlightened aristocracy cultivating their estates by capital and skill by side with Science beside primitive Peasant Communities Inspectors of land. N.

21. V. 66

11

25th July/65 N 253/267
15th August — N 253/267

No. 1258

Rev. 1866. Department.
Pro. Govt. for May

No. 1157.
PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 19th April 1866.

Ordered & be transferred to the Legislative Dept. in lieu of Copy of the Minute of the R. H. & the 21 inst.

J. D.
28th May/66

Read 2nd time & 23rd
Ord. & Pub. & Leg. Dep.

No. 2,728.

Submitting letter from Collector of Malabar, and expressing general concurrence in Collector's views on Bill to enable landholders in particular localities to make provision for construction &c., of cross roads.

Copy to the Collector of Malabar.
Encl. J. Wright.

N 479-480

C 19 May/66 RH

No. 1258 - 28th May
W. Ramsden