M.R.O. 14--5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1453 Press ~~Mis.~~

330.331

Dated 14 — 6 — 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
14th June 1866.

No. 330. Read the following Proceedings of the Madras Government in the Legislative Department:—

Forwarding, for the consideration of the Select Committee, certain papers containing further remarks with reference to the revised Bill to enable land-holders in Wynaad to construct cross-roads by imposing a local assessment on the land. } (Here enter 31st May 1866, No. 187.)

No. 331. ORDER THEREON, 14th June 1866, No. 1,453.

Land Revenue.

Ordered to be recorded.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

Exd. S. T. Augustin.

No. 5. Read the following Proceedings of Government in the Revenue Department.

Read Proceedings of the Board of Revenue, dated 19th April 1866, No. 2728 :—

Letter from G. A. BALLARD, Esq., Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 14th March 1866, No 91.

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 of 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 land-holders in particular localities to make provision for the construction, &c., of cross-roads.

2. The Board have already (Proceedings 12th October 1865, No. 6461,) expressed their opinion that ordinary Ryots in the Wynaad should be exempted from its operation.

MINUTE by the Right Honorable the PRESIDENT, dated 21st May 1866.

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 impressions 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 land-owners 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 land-holders, while a great number of small land-holders were excluded altogether.

Proceedings of the Madras Government, Legislative Department,
31*st May* 1866.

3. The modifications suggested by Mr. Ballard eliminate the danger of oppressive action on the part of the large land-holders, 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 land-holders, 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.

8. No member of the Circle Road Meeting should have more than one vote.

9. Uncultivated land should be unrepresented.

10. 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.

11. 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.

(Signed) NAPIER.

(True Copy).

(Signed) J. GROSE,
Under Secretary to Government.

Proceedings of the Madras Government, Legislative Department,
31st *May* 1866.

Order, 28th May 1866, No. 1258.

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.

(True Extract).

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

To the Legislative Department, with enclosures, and a copy of the Minute.

No. 6. ORDER THEREON, 31st May 1866, No. 187.

Ordered that the foregoing papers be forwarded for the consideration of the Select Committee appointed to report on the Bill "to enable land-holders in certain localities to make provision for the construction, repair, and maintenance of Cross-roads in the District in which their lands are situated."

(True Extract).

Acting Assistant Secretary to Government,
Legislative Department.

To the Honorable T. Pycroft.
" " A. J. Arbuthnot,
" " C. Pelly,
" " A. F. Brown,
} Members of the Select Committee.
" Revenue Department.

for information
with a spare copies

Ed. J. H. Burns.

Government of Fort Saint George

LEGISLATIVE DEPARTMENT.

PAPERS

(No. 3.)

RELATIVE TO

The Bill to enable land-holders 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—1453.

14th June 1866.

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Order of Government, in the Revenue Department, No. 1258, dated 28th May 1866	4
Order of Government in the Legislative Department, dated 31st May 1866, No. 187	*ib.*

Received 15th May 1860
from Govt. for Consn
No. 1865.

Proceedings of the
Madras Govt in
the Legislative
Dept.

Dated 31st May
Received 6th June 1860.
No. 187.

Forwarding, for
the consideration of the
Select Committee, certain
papers containing further
remarks with reference
to the revised Bill to en-
able land-holders in Coya.
to construct Cross-roads
by imposing a local asses-
ment on the land.—

No. 330-331.

No. 1453. 16th June
With order