

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

1734

~~Press~~

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Dated

19-6-1918

Not to be folded or roughly handled

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expedient, as it certainly was the case with the Title Deeds which had been issued about to pass, it would be better in future. The number of Title Deeds that practically any income suggested by the majority

The Bill was then taken

Section 1 having been

HIS EXCELLENCY THE GOVERNOR have a new form of Title Deeds Bill, which would show clearly the form issued only.

On the motion of the Hon'ble Mr. NORTON the word "heretofore" was omitted and a corresponding addition was made

The preamble having been amended "Inams" at line 34, on the motion of Hon'ble Mr. ELLIS.

The Hon'ble Mr. NORTON moved that the Standing Orders suspending

HIS EXCELLENCY declared

On the motion of the Hon'ble Mr. NORTON the Bill was passed.

The Council then adjourned

MADRAS,
The 22nd of May 1868.

22nd May 1868

See p/p 16-17

DEEDS.

Having amended the erroneous Act which the Council was to issue, the form of all Title Deeds to be issued was made relatively small, and he did not think from the adoption of the course

inasmuch as they had resolved to insert words in the present Title Deeds which had been heretofore

seconded by the Hon'ble Mr. ELLIS, "Deed" at line 2, section 1; and

was omitted before the word "Deed" at line 2, section 1; and Mr. NORTON, seconded by the

HIS EXCELLENCY THE PRESIDENT to declare that the Bill might be passed.

The Bill was then suspended.

seconded by the Hon'ble Mr. LOCH,

LIVAN,
Secretary to Government,
Legislative Department.

Abstract of the Proceedings of the Saint George, assembled for Regulations, under the provisions of 24 and 25 Victoria, Cap. 6

THE Council met at the Council Chamber on the 22nd day of May 1868.

PRESENT

His Excellency the Governor of Madras
His Excellency the Commander in Chief
The Hon'ble H. D. Phillips.
The Hon'ble A. J. Arbuthnot.
The Hon'ble J. B. Norton.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble W. R. Arbuthnot.
The Hon'ble Mir Humayoon Jah Bahadur
The Hon'ble J. C. Loch.

NEILGHERRY COMMISSION

The Hon'ble Mr. A. J. ARBUTHNOT, in connection with the Bill "for the appointment of a committee on the Bill for the appointment of a civil and criminal justice and for the collection of revenues on the Neilgherry Hills," said, that the Select Committee, and he believed the provisions necessary for securing the objects of the Bill taken into consideration.

The Hon'ble Mr. NORTON having seconded

The Bill was read and considered Section

Section 1 having been read, the word "Deed" at line 2, section 1, and lines 5, 11, and 15.

The words "in civil suits" were inserted in the same Section.

The Hon'ble Mr. A. J. ARBUTHNOT, in connection with the Bill "for the appointment of a committee on the Bill for the appointment of a civil and criminal justice and for the collection of revenues on the Neilgherry Hills," said, that the Select Committee, and he believed the provisions necessary for securing the objects of the Bill taken into consideration.

aded the present Bill, so as to cover t they did not confer any greater had power to confer.

was, whether the Inam Commissioner for the future, and allow them to be n of the Title Deeds should not be and square with the facts they ee thought the latter course urged that the issuing of Title n and alarm in the minds of Inam- which they would all be anxious y the majority of the Committee prehension in this respect; for it wo different forms would be issued man who had two Title Deeds in difference in the form, and he would arose, and whether one or the other But that was not likely to happen; ence between persons who held Inams ing so, it appeared to him that, having logical course was to alter the form etuating the error and looking to the ee proposed that the present form of t Solicitor, with a view to revision.

at the Bill be taken into consideration.

present form of Title Deeds had been ey. When the question of altering opted the conclusion that it would be , by means of legislation, any error Deeds and shake the reliance of the oodness; and that view was embodied n a party to that order, he would per- opinion of the majority of the Com- spect. The Revenue Board were, in , in his opinion, an additional reason visable, after all, to issue corrected

le course recommended by the ttee was, on the whole, the more

sioner or any other person who might be invested by the local Government with such powers, it was deemed advisable to limit the powers of the Commissioner, when acting as a Principal Sudder Arben, to civil suits.

In Sections 7, 10, 12 and 1, the word "Sessions" was altered to "Session" wherever it occurred.

Section 13 having been read, (the motion of the Hon'ble Mr. A. J. ARBUTHNOT seconded by the Hon'ble Mr. NORTON) the following words were inserted at line 9, after the words "Session Court" "or if any case shall have been remanded to the Civil Court of Ootacamund under Section 351 of the Code of Civil Procedure."

The Hon'ble Mr. A. J. ARBUTHNOT said, that under Section 351 of the Code of Civil Procedure it was competent to the High Court to remand cases to the Civil Court, in order that they might be further investigated. The object of inserting the words in the Section was to provide for such a state of things, and to make it clear that every possible case pending before the present tribunal should be transferred to the tribunal created by the Bill.

The preamble and title having been passed,

The Hon'ble Mr. A. J. ARBUTHNOT asked His EXCELLENCY THE PRESIDENT to suspend the Standing Orders in view to the Bill being passed. The alterations were few in number and were of a trifling character, and no useful object would be gained by deferring the passing of the Bill.

His EXCELLENCY declared the Standing Orders suspended.

The Hon'ble Mr. A. J. ARBUTHNOT moved that the Bill as amended be passed. With reference to the instructions which had been received from the Governor General in Council, he had to state that at another Bill on the subject of the Small Cause Court powers had been prepared by the Assistant Secretary, in communication with his learned friend the Advocate General and himself, and would, he hoped, be sent up by the Executive Government to the Government of India at the same time with the Bill before the Council, so that both Bills might become law simultaneously.

The Hon'ble Mr. NORTON seconded the motion, which was put and carried.

INAM TITLE DEEDS BILL.

The Hon'ble Mr. NORTON, in presenting the Report of the Select Committee on the Bill "to prevent doubts as to the true intent and meaning of certain words used in the Title Deeds of Inams furnished to Inamdars by the Inam Commissioner of the Madras Presidency", said, the report was short, but there were two or three matters in it which deserved attention. On looking more closely into the matter, the Select Committee found that the same erroneous use of the word "land", which the present Bill was intended to correct, had crept into Madras Acts IV of 1862

and IV of 1866; and they had therefore altered the error in those Acts, and to explain the title upon Inamholders than the Government

Another point considered in Committee should continue issuing erroneous Title Deed corrected by the present Bill, or whether the altered for the future so as to make them exp intended to represent. The majority of the the one which it was most expedient to adopt Deeds in two different forms might create su holders; and certainly that was a resu to guard against. But it was thought that there was not ground for much a would seldom happen that Title Deeds in to the same individual. In that case, a different forms might be struck with the probably be led to inquire how the difference of his Deeds conveyed the more valid title nor was it likely that there would be a conf under different forms of Title Deeds. That detected a blot in the form now in use, the to be used in future rather than to go on pe effect of this Bill to correct it. The Comm Title Deeds should be sent to the Governme

With these remarks, he begged to move

The Hon'ble Mr. PHILLIPS said, the published to the whole of the Madras Preside the form came before the Government, they a better to uphold the existing form, and corre in it rather than have a new form of Title holders of the old one in its permanence and in an Order of Government. Had he not be haps have been disposed to concur in the mittee, for whose views he had the highest r favor of issuing new Title Deeds, which form for now doubting whether it might not be a forms of Title Deeds.

The Hon'ble Mr. A. J. ARBUTHNOT thot Board of Revenue and the majority of the

*Proceedings of the Madras Government, Revenue Department,
19th June 1868.*

No. 476. Read the following Proceedings of the Madras Government in the
Legislative Department:—

Communicating to the Revenue Department copy
of the Proceedings of the Council for making
Laws and Regulations relating to the Inam
Title Deeds Bill, and copy of the report of the
Select Committee, in view to giving effect to the
suggestion made for the adoption of revised
forms of Inam Title Deeds. } (Here enter 16th June 1868, No. 188.)

No. 477. ORDER THEREON, 19th June 1868, No. 1,724.

Miscellaneous.

1. Ordered to be communicated
to the Board of Revenue and the Inam
Commissioner.
2. Mr. Blair will place himself in communication with the Government
Solicitor and Government Pleader, in order to the preparation of an amended form
of Title Deed which, when settled, will be submitted for the approval of Government.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue,
,, the Inam Commissioner,
,, the Government Solicitor,
,, the Legislative Department, } With Proceedings Legislative Department, No. 188.

Ed. F. R. Bantleman.

Abstract of the Proceedings of the Council of the Governor of Fort Saint George, assembled for the purpose of making Laws and Regulations, under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67.

THE Council met at the Council Chamber in Fort Saint George, on Friday the 3rd day of April 1868.

PRESENT :

His Excellency the Governor of Madras, *presiding*.
His Excellency the Commander-in-Chief.
The Hon'ble H. D. Phillips.
The Hon'ble A. J. Arbuthnot.
The Hon'ble J. B. Norton.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble W. R. Arbuthnot.
The Hon'ble T. Clarke.
The Hon'ble Mir Humayoon Jah Bahadoor.
The Hon'ble J. C. Loch.

The Hon'ble MR. LOCH took the usual oaths and his seat as an additional Member of the Council.

INAM TITLE DEEDS BILL.

The Hon'ble MR. NORTON, in moving for leave to introduce a Bill "to prevent doubts as to the true intent and meaning of certain words used in the Title Deeds of Inams furnished to Inamdars by the Inam Commissioner of the Madras Presidency," said—

"I need not detain the Council long, for I have, in the Statement of objects and reasons which accompanies the Bill, set forth as fully, and yet succinctly, as I could, the reasons which have led to the framing of the present measure. That Statement is in the hands of every Member of the Council, and it has been no doubt perused and mastered by all; so that there can be no necessity for my seeking to dilate on what is there stated. My reason for entering so fully into the motives which have led to the preparation of the Bill, is this. I thought that it was very desirable that the Inamdars whom it is to affect, should have the most solemn assurance possible that there exists no wish or intention in any way to derogate from the gift conferred or confirmed upon them; and I thought that this could be better done by drawing up the reasons for the Bill in a solemn form, which should accompany the Bill, than by trusting to a mere verbal intro-

duction of it in my oral prefatory remarks. I have taken the best precautions for ascertaining that the Statement of reasons accurately represents the views of the Executive Government, and I believe that the Statement speaks for itself. The reasons are these:—

In some of the forms of title deeds which have been sanctioned by Government, the term "land" has inadvertently been used, where it is clear that it is not applicable to the true state of facts. These forms are eight in number.

In the four first, the 1st paragraph acknowledges the Inamdar's title to an Inam claimed to be of so many acres of wet or dry land, or both, as the case may be. The 3rd paragraph then professes to confer the land on the Inamdar without any reservation, in the event of his complying with certain terms as to quit-rent. On his so doing, a further assurance is issued to him by the Commissioner converting the tenure into a freehold or absolute freehold, as the case may be.

These further assurances do not profess to deal with the land, but only with the Inam; and it is clear from a perusal of them that all that the Government professed, or intended to do, was to deal with its right or share in the produce of the land, not the land itself. To have gone further than this would have been to deal, not with that which the Government possessed—the power of alienating as a gift or otherwise—but, in many cases, with what were the rights of others, which the Government has always recognized and respected. It would have been an infringement of the rights of the owners of the soil to its occupancy, subject to the payment of the Government dues, where those owners were persons other than the Inamdar, as is the case in many instances.

In forms 5 and 8, applicable where the enfranchisement is compulsory, no further assurance is issued. In these forms, paragraph 2 states that the land will be the Inamdar's "own absolute property to hold or dispose of as he thinks proper."

In forms 6 and 7, applicable where no enfranchisement takes place, but the existing Inams are simply confirmed, the word "land" appears in paragraph 1, an error common indeed to all the forms.

The intention of the Government was simply to assign to the Inamdars its share in the revenue. The title deed was meant to operate as a bar against resumption, by Government, of the right assigned or recognized, and of that only.

Nevertheless, the Inamdars, relying on the terms used in the title deeds, soon began to claim the right in the soil, to the injury, in many cases, of the proprietary rights of others therein. Complaints were made against the Collector's issuing puttahs to the ryots on Inam lands; and suits were brought in several instances to enforce the supposed effect of these new title deeds. The Courts in which such suits were brought rejected these claims.

Thus matters stood when the circumstances were brought under the consideration of Government. They were sufficiently embarrassing. Whatever uncertainty existed, was the result of the inaccurate wording of the title deeds issued by the Government itself. Although the suits hitherto brought upon these title deeds have been thrown out by the Courts, there is no certainty that a different view of the law may not be taken by different Judges in future cases. Nor, under any circumstances, could the Government but view with regret unlooked-for litigation springing up as the consequence of its action.

One course which suggested itself was, to re-call the title deeds already issued, and issue new title deeds in their stead, altering the form so as to square with the facts. But such a measure might obviously tend to create a feeling of uncertainty in the minds of the Inamdars—a result very much to be deprecated.

It is, on the other hand, absolutely necessary to protect the proprietors of the soil against their rights being in any way questioned or infringed by Inamdars possessing only the Government right to a share in the produce; and it has been thought that the most satisfactory, the shortest, and the safest way, to meet the difficulty which has arisen, is to pass a short declaratory Act, setting at rest all question as to the intent and meaning of the title deeds without in any way altering their form.

It is hoped that by this course, while the rights of the proprietors of the soil are effectually secured, the Inamdars who hold title deeds will see how reasonable is the course pursued, and how anxious the Government is not to give rise to any distrust in their minds as to the reality of the benefits conferred upon them by the adjustment of their claims under the settlement of the Inam Commission.

It should be observed that the Inams in this Presidency are of two kinds: first, those where the proprietary right in the soil and the right to the Government share of the revenue derivable from the land, coalesce in one and the same individual; secondly, those where the proprietary or occupancy right is in one or more individuals, while the Government share in the revenues has been granted to another. In regard to the first of these classes, this Bill is not applicable; but it was necessary, in stating the reasons for the Bill, to except these cases, lest by not doing so, room should have been afforded to any Inamdar's tenants to seek to assert a greater right against the Inamdar than they in fact possess; just as some of the Inamdars in the second class have taken advantage of the inadvertent wording of some of their Title Deeds to seek to oust the proprietary Ryot from his occupancy.

It is to this last class that the Bill applies; and it is hoped that it will have the effect it aims at, of preserving, to each and all, the integrity of their respective rights, without either the Inamdar or the Ryot having henceforth any room for questioning or encroaching on the other's interests.

Leave was granted.

MADRAS REPEALING BILL.

The Hon'ble MR. NORTON, in moving for leave to introduce a Bill "for repealing certain enactments which have ceased to be in force or have become unnecessary," said that it would not be necessary to detain the Council by any lengthened remarks upon the subject of the Bill now brought before them. Its object would recommend itself to every one. At a time when the Statute-Book was being added to with a rapidity and to an extent that created some alarm in his mind, it was satisfactory to him to be able to do something in the opposite direction. The present Bill had been prepared with great care by the Assistant Secretary, and would undergo a careful revision by the Select Committee when the proper time arrived.

Leave was granted.

The Hon'ble Mr. A. J. ARBUTHNOT, in moving for leave to introduce a Bill "for the appointment of a Commissioner for the administration of civil and criminal justice, and for the superintendence and collection of the revenues on the Neilgherry Hills," observed, that he believed all the Members had been furnished with a copy of the Proceedings of the Executive Government containing Minutes upon the Bill which he now asked leave to introduce, and also with a copy of the Bill itself. They were therefore acquainted with the objects and reasons which induced the Government to sanction the introduction of the Bill. His observations would consequently be brief.

At present, the position of the Neilgherry Hills was this. The revenue management was under the Collector of the Coimbatore District to which the Hills were attached. The judicial administration, civil and criminal, was under the Civil and Sessions Judge who presided over a Court which had been constituted a few years ago at Ootacamund, and which has jurisdiction over the Neilgherry Hills. There was also a Joint Magistrate who discharged magisterial functions at Ootacamund, and at Wellington a Military Cantonment Magistrate appointed under the recent Madras Military Cantonments Act.

As to the judicial establishment, it was more than ample. The duties of the Civil and Sessions Judge were comparatively light. Such a Court would not have been established at Ootacamund, considering its proximity to Coimbatore, had not the special circumstances of the Neilgherry Hills required it. The peculiar position of the station, and the circumstance that the greater number of the residents were European and that the majority of these were merely ^{temporary} residents, rendered it necessary to constitute such a Court. It had been found that a constant failure of justice had arisen from the unwillingness of persons to prosecute where there was a risk of their being dragged down to prosecute at Coimbatore. Officers were liable to be robbed by their servants, who, as a class, on the Hills, were very bad; and many were not in a position to know whether their complaints would be disposed of by the Magistrate, or whether a commitment to Coimbatore might not be necessary, which would entail on them great inconvenience and loss. The same observations applied with increased force in the case of ladies.

Some years ago, a palliative had been tried. The Sessions Judge of Coimbatore was directed to hold Sessions on the Neilgherries, but this was found to result in serious inconvenience, since the absence of the Judge for many days in each year caused great obstruction to the business of the Coimbatore Court; and accordingly, in 1863, a Civil and Sessions Court was sanctioned.

Attached to the Proceedings which had been circulated was a Statement of the business which had been transacted by the Civil and Sessions Court. It would be apparent from this how light were the labours of the Judge.

In the Minutes which had been laid before the Council, reference was made to the important duties which devolved upon the Collector of Coimbatore in connection with the Neilgherry Hills. These duties entailed upon him frequent residence on the Hills, and compelled him to be absent from other equally important duties in the low-lands. It was impossible for him, consistently with his other duties, to devote the necessary attention to the Neilgherries. Questions connected with the executive administration of the Neilgherries were constantly arising. Ootacamund was the most important European settlement in this Presidency next to Madras, and was probably the most important sanitarium in the whole of India; but this station had not hitherto received the attention demanded. Within the last few days, a report had been received from the Senior Medical Officer, which contained a vivid and, Mr. ARBUTHNOT feared, not exaggerated picture of a state of things which absolutely required to be put a stop to. What was necessary could not be done unless the administrative duties on the Hills were placed under an officer constantly resident on them. At present there was a well paid Judge with ample time upon his hands. It seemed, therefore, to be the simplest plan to abolish the Court on its present footing, and to substitute an officer who was experienced in both judicial and revenue matters, and who should be invested with control over every department of the administration. He (Mr. ARBUTHNOT) should have mentioned that, in addition to the Collector, there is a Special Assistant resident on the Neilgherries, who, if the Bill should be passed, would be appointed Assistant to the Commissioner, would be empowered to try civil suits within the jurisdiction of a Moonsiff and of a Small Cause Court Judge, and would also act as Assistant to the Commissioner in his capacity of Collector and as Magistrate of the Neilgherry District.

On full consideration of the subject, and after communication with the Assistant Secretary, he had deemed it advisable not to invest the Commissioner with the powers of a Magistrate. That combination of authority did exist in certain tracts of Vizagapatam, and in Ganjam; but with reference to the Neilgherries, it was unnecessary, and, with reference to certain provisions of the Criminal Procedure Code, it was inconvenient.

Provision was also made in the Bill, with a view to prevent complaints of denial of justice, for enabling persons aggrieved by any act or order of the Commissioner or his Assistant in their administrative capacity, to sue these officers in the Zillah Court of Coimbatore, and also for an appeal to the same Court against decisions passed by these officers under (Madras) Act VIII of 1865. Such appeals would be very rare. Hitherto, he believed, there had been none.

It was right to mention that, with reference to an Act of William IV, it would be requisite to obtain the permission of the Governor General in Council to constitute the new offices of Commissioner and Assistant Commissioner. A letter would be written, informing the Government of India that the Bill had been introduced, but that it would not be passed till the necessary leave was given. In fact, the Bill proposed not to create a new office, but to impose additional duties on two offices already existing. There would be no increase of charge.

It had been suggested to him by his hon'ble and learned friend the Advocate General, that it might be necessary to provide that appeals should lie to the High Court, and not to the Governor in Council, as was the case in Ganjam. The Select Committee to whom the Bill would be referred, would consider whether it was necessary to make any addition to the Bill with the view of providing specially for this object. The intention was that an appeal should lie to the High Court from the decrees or sentences of the Commissioner, just as they now lie from the decrees and sentences of the Civil and Sessions Judge.

The Hon'ble Mr. NORTON said that he had long been of opinion that some such measure as that which it was now proposed to introduce was needed for the efficient administration of the Neilgherry Hills, and that the Bill would receive his cordial support.

Leave was granted.

(WYNAAD) ROAD TOLLS BILL.

The Hon'ble Mr. A. J. ARBUTHNOT, in presenting the report of the Select Committee on the Bill "to enable landholders in certain localities to levy tolls upon roads and bridges constructed by them at their own expense, and also on roads constructed at the expense of the State, the repair and maintenance of which may be undertaken by such landholders," regretted that he was the only remaining Member of the Select Committee which had been appointed to consider the Bill. Mr. Mayne had reverted to his duties as Assistant Secretary, and Mr. Brown had left India. It was a matter of regret to him, as he was sure it would be to the other members of the Council, that they had been deprived of the aid of Mr. Brown who was thoroughly acquainted with the requirements of Wynaad, and by whom the provisions of the Bill had been carefully considered.

He need not go back to the reasons which caused the abandonment of the original Bill to promote the construction of cross roads in Wynaad. The correspondence now submitted to the Council referred to a copy of the Bill as first amended by the Committee, which differed in some respects from that presented with the report. The Select Committee had amended the Bill as originally drafted, and sent it as amended to the Collector of Malabar and to the three Planters' Associ-

ations of Wynaad. The Proceedings of Government of the 3rd February contained their remarks upon the Bill as first amended.

He confessed that when he read these remarks his first impulse was to abandon the Bill. The very unfavorable view as to the probable results of the Bill, if it should become law, which were expressed by the Collector of the District, the adverse opinion of the Planters' Association of North Wynaad, and the doubtful and discrepant opinions expressed by the Planters of South Wynaad, had raised in his mind a grave question whether there was any use in proceeding with the Bill. But after discussing the subject with Mr. Brown, who had a personal knowledge of the District, and who is directly and indirectly interested in the measure, he came to the conclusion that it would be better to lay it before the Council with any amendments that could be introduced.

The Collector's objection was, that the Bill would be inoperative, that the toll returns would be small, and would not repay the cost of collection. At the same time, while referring to the objections made by the Deputy Collector and the Planters, Mr. Ballard pointed out that Wynaad was so broken a country, that if toll-bars were placed with any discretion, evasion would be difficult. If the returns would repay the cost of collection and give any profit, it might be that, although they would not repay the construction of the road, they might, at all events, reimburse part of the outlay or, at least, help in repairs.

He (Mr. ARBUTHNOT) then proceeded to criticise in detail various objections made by the Planters' Associations of Wynaad, and pointed out that some of these objections applied to the Bill as originally drawn and abandoned, while other objections were met by the amendments introduced into the Bill now submitted with the report; and observed that the Planters' Association of South East Wynaad thought the Bill a good one and well suited to their requirements. He admitted, however, that he should have felt much embarrassed if it had not been for the favorable opinion of Mr. Brown, and for the presence of a gentleman (the Hon'ble Mr. Loch) who is acquainted with Wynaad, and who approved of the measure. It could not be expected that a large number of roads would be made under this Bill, but it might be anticipated that some would be made, and that assistance would be derived in the keeping up of others.

The Hon'ble Mr. W. R. ARBUTHNOT enquired, with reference to the Preamble of the Bill, what class of "roads constructed at the expense of the Government" it was which it was contemplated to transfer to the land-holders and to maintain and repair by means of tolls. He observed that Government derived considerable indirect advantages from the roads in the Wynaad District; and as this Bill had been introduced with an especial reference to that part of the country, he thought it would be satisfactory to the planting community, if some assurance were given

that the practical operation of the Bill would not be to impose upon those using the roads a burden that had hitherto been supported by the general revenues of the country. He approved of the general scope and object of the Bill, and hoped it would be productive of good results by encouraging the construction of cross-roads.

HIS EXCELLENCY THE PRESIDENT said that the Government did derive advantage from the roads, and that they would not enforce their being taken over by the Planters; but if the Planters thought that it would be an advantage to themselves to assume the maintenance of the roads upon being allowed to levy tolls, the present Bill would permit them to do so. Should the Planters avail themselves of the facilities thus held out by Government, there was nothing in this Bill to prevent the Government from coming to the assistance of the Planters in the maintenance of the roads by a grant-in-aid, in addition to the receipts by the tolls.

The Hon'ble MR. A. J. ARBUTHNOT said that the expense at present incurred by the Government in Wynaad, in respect to roads and other matters, was out of proportion to the revenue raised. It was a question whether Government ought not to recover part of the outlay upon the roads by means of tolls. If that course were adopted, it had been suggested whether it might not be for the interests of the residents to enable them to undertake the maintenance of the roads. There would be no objection to allow them, in addition to the tolls, that sum which would otherwise have been expended from the Public Works Budget. There was no intention to transfer the burden from the Government to the Planters, but merely to allow them, if they wished it, to manage the roads, and to place certain resources at their disposal for that purpose.

The Hon'ble MR. HUMAYOON JAH BAHADOOR said that under the District Road Cess Act (III of 1866,) the expenses of maintaining roads were already raised by means of a cess, and it seemed to him inequitable to levy tolls a second time in the same District under the Act now in contemplation.

The Hon'ble MR. LOCH observed, in reply, that no larger sum would be raised under the Road Cess Act than was necessary for the maintenance and repair of the roads, and that all tolls raised under the law now in contemplation would go in reduction of the amount required to be levied under the Road Cess Act.

The Motion was put and agreed to.

The Bill was then read Section by Section.

In Section 1, the word "the" in line 4 was struck out.

On the motion of the Hon'ble MR. LOCH, the words "*or bridge*" or "*or bridges*," according as it was necessary to use the singular or plural number, were inserted after the word "road," or the word "roads," occurring in the following

Sections :—Section 3, lines 15 and 30; Section 6, line 3; Section 9, at the end; Section 10, lines 8, 15, 22 and 26; and Section 18, line 9.

On the motion of HIS EXCELLENCY THE COMMANDER IN CHIEF, the words "Military or" were inserted in Section 14 before "Police Officers on duty."

In Section 16 the word "or" was substituted for "and" in line 10.

All the other Sections of the Bill were read and passed without amendment.

In the Preamble the words "and bridges" were inserted after "roads" in line 8; and a similar entry made in the Title in line 7.

The Council then adjourned until Friday the 17th day of April 1868.

JOHN D. MAYNE,

Asst. Secretary to Government,
Legislative Department.

MADRAS,
The 3rd April 1868.

Abstract of the Proceedings of the Council of the Governor of Fort Saint George, assembled for the purpose of making Laws and Regulations, under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67.

THE Council met at the Council Chamber in Fort Saint George, on Friday the 17th day of April 1868.

PRESENT :

His Excellency the Governor of Madras, *presiding*.
The Hon'ble H. D. Phillips.
The Hon'ble A. J. Arbuthnot.
The Hon'ble J. B. Norton.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble T. Clarke.
The Hon'ble Mir Humayoon Jah Bahadoor,
The Hon'ble J. C. Loch.

(WYNAAD) ROAD TOLLS BILL.

The Hon'ble MR. A. J. ARBUTHNOT said that, with reference to the notice that he would move the final consideration of the Bill "to enable landholders in certain localities to levy tolls upon roads and bridges constructed by them at their own expense, and also on roads and bridges constructed at the expense of the State, the repair and maintenance of which may be undertaken by such landholders," he wished to state that he would postpone the Motion until the next Meeting of the Council, in order to give further consideration to the point which had been raised by the Hon'ble Mir Humayoon Jah Bahadoor at the last Meeting, with respect to the operation of the Road Cess Act.

This arrangement was agreed to.

NEILGHERRY COMMISSIONER'S BILL.

The Hon'ble MR. A. J. ARBUTHNOT introduced the Bill "for the appointment of a Commissioner for the administration of civil and criminal justice and for the superintendence and collection of the revenues on the Neilgherry Hills," and moved that it be read a first time.

The Motion was put and agreed to.

INAM TITLE DEEDS.

The Hon'ble MR. A. J. ARBUTHNOT then moved that the Bill be referred to a Select Committee consisting of the Hon'ble Messrs. Phillips, Norton, Clarke, and himself.

The Motion was put and agreed to.

INAM TITLE DEEDS BILL.

The Hon'ble MR. NORTON introduced the Bill "to prevent doubts as to the true intent and meaning of certain words used in the Title Deeds of Inams furnished to Inamdars by the Inam Commissioner of the Madras Presidency", and moved that it be read a first time.

The Motion was put and agreed to.

The Hon'ble MR. NORTON then moved that the Bill be referred to a Select Committee consisting of the Hon'ble Messrs. Phillips, Clarke, Ellis, and himself.

The Motion was put and agreed to.

MADRAS REPEALING BILL.

The Hon'ble MR. NORTON introduced the Bill "for repealing certain enactments which have ceased to be in force or have become unnecessary," and moved that it be read a first time.

The Motion was put and agreed to.

The Hon'ble MR. NORTON then moved that the Bill be referred to a Select Committee consisting of the Hon'ble Messrs. Phillips and Clarke, and himself.

The Motion was put and agreed to.

The Council adjourned until Tuesday the 28th April 1868.

MADRAS,
The 17th of April 1868.

JOHN D. MAYNE,
Asst. Secretary to Government,
Legislative Department.

Abstract of the Proceedings of the Council of the Governor of Fort Saint George, assembled for the purpose of making Laws and Regulations, under the provisions of the Act of Parliament, 24 and 25 Victoria, Cap. 67.

THE Council met at the Council Chamber in Fort Saint George, on Friday the 22nd day of May 1868.

PRESENT :

His Excellency the Governor of Madras, *presiding*.
His Excellency the Commander in Chief.
The Hon'ble H. D. Phillips.
The Hon'ble A. J. Arbuthnot.
The Hon'ble J. B. Norton.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble W. R. Arbuthnot.
The Hon'ble Mir Humayoon Jah Bahadoor.
The Hon'ble J. C. Loch.

NEILGHERRY COMMISSIONER'S BILL.

The Hon'ble MR. A. J. ARBUTHNOT, in presenting the Report of the Select Committee on the Bill "for the appointment of a Commissioner for the administration of civil and criminal justice and for the collection and superintendence of the revenues on the Neilgherry Hills," said, the Bill had received the careful consideration of the Select Committee, and he believed it would be found to contain all the provisions necessary for securing the object in view. He moved that the Bill be taken into consideration.

The Hon'ble MR. NORTON having seconded the motion,

The Bill was read and considered Section by Section.

Section 1 having been read, the word "Sessions" was altered to "Session" at lines 5, 11, and 15.

The words "in civil suits" were inserted after "Sudder Ameen" at line 16 in the same Section.

The Hon'ble MR. A. J. ARBUTHNOT, in explanation of the alteration last mentioned, said, the law gave Principal Sudder Ameen's criminal as well as civil powers in this Presidency, including the powers of a Magistrate. As the present Bill provided that the powers of a Magistrate should be exercised by the Assistant Commis-

sioner or any other person who might be invested by the local Government with such powers, it was deemed advisable to limit the powers of the Commissioner, when acting as a Principal Sudder Ameen, to civil suits.

In Sections 7, 10, 12 and 13, the word "Sessions" was altered to "Session" wherever it occurred.

Section 13 having been read, (on the motion of the Hon'ble Mr. A. J. ARBUTHNOT seconded by the Hon'ble Mr. NORTON) the following words were inserted at line 9, after the words "Session Court":—"or if any case shall have been remanded to the Civil Court of Ootacamund under Section 351 of the Code of Civil Procedure."

The Hon'ble Mr. A. J. ARBUTHNOT said, that under Section 351 of the Code of Civil Procedure it was competent to the High Court to remand cases to the Civil Court, in order that they might be further investigated. The object of inserting the words in the Section was to provide for such a state of things, and to make it clear that every possible case pending before the present tribunal should be transferred to the tribunal created by the Bill.

The preamble and title having been passed,

The Hon'ble Mr. A. J. ARBUTHNOT asked His EXCELLENCY THE PRESIDENT to suspend the Standing Orders in view to the Bill being passed. The alterations were few in number and were of a trifling character, and no useful object would be gained by deferring the passing of the Bill.

His EXCELLENCY declared the Standing Orders suspended.

The Hon'ble Mr. A. J. ARBUTHNOT moved that the Bill as amended be passed. With reference to the instructions which had been received from the Governor General in Council, he had to state that another Bill on the subject of the Small Cause Court powers had been prepared by the Assistant Secretary, in communication with his learned friend the Advocate General and himself, and would, he hoped, be sent up by the Executive Government to the Government of India at the same time with the Bill before the Council, so that both Bills might become law simultaneously.

The Hon'ble Mr. NORTON seconded the motion, which was put and carried.

INAM TITLE DEEDS BILL.

The Hon'ble Mr. NORTON, in presenting the Report of the Select Committee on the Bill "to prevent doubts as to the true intent and meaning of certain words used in the Title Deeds of Inams furnished to Inamdars by the Inam Commissioner of the Madras Presidency", said, the report was short, but there were two or three matters in it which deserved attention. On looking more closely into the matter, the Select Committee found that the same erroneous use of the word "land", which the present Bill was intended to correct, had crept into Madras Acts IV of 1862

INAM TITLE DEEDS.

and IV of 1866; and they had therefore amended the present Bill, so as to cover the error in those Acts, and to explain that they did not confer any greater title upon Inamholders, than the Government had power to confer.

Another point considered in Committee was, whether the Inam Commissioner should continue issuing erroneous Title Deeds for the future, and allow them to be corrected by the present Bill, or whether the form of the Title Deeds should not be altered for the future so as to make them express, and square with the facts they intended to represent. The majority of the Committee thought the latter course the one which it was most expedient to adopt. It was urged that the issuing of Title Deeds in two different forms might create suspicion and alarm in the minds of Inamholders; and certainly that was a result which they would all be anxious to guard against. But it was thought by the majority of the Committee that there was not ground for much apprehension in this respect; for it would seldom happen that Title Deeds in two different forms would be issued to the same individual. In that case, a man who had two Title Deeds in different forms might be struck with the difference in the form, and he would probably be led to inquire how the difference arose, and whether one or the other of his Deeds conveyed the more valid title. But that was not likely to happen; nor was it likely that there would be a conference between persons who held Inams under different forms of Title Deeds. That being so, it appeared to him that, having detected a blot in the form now in use, the logical course was to alter the form to be used in future rather than to go on perpetuating the error and looking to the effect of this Bill to correct it. The Committee proposed that the present form of Title Deeds should be sent to the Government Solicitor, with a view to revision.

With these remarks, he begged to move that the Bill be taken into consideration.

The Hon'ble Mr. PHILLIPS said, the present form of Title Deeds had been published to the whole of the Madras Presidency. When the question of altering the form came before the Government, they adopted the conclusion that it would be better to uphold the existing form, and correct, by means of legislation, any error in it rather than have a new form of Title Deeds and shake the reliance of the holders of the old one in its permanence and goodness; and that view was embodied in an Order of Government. Had he not been a party to that order, he would perhaps have been disposed to concur in the opinion of the majority of the Committee, for whose views he had the highest respect. The Revenue Board were in favor of issuing new Title Deeds, which formed, in his opinion, an additional reason for now doubting whether it might not be advisable, after all, to issue corrected forms of Title Deeds.

The Hon'ble Mr. A. J. ARBUTHNOT thought the course recommended by the Board of Revenue and the majority of the Committee was, on the whole, the more

expedient, as it certainly was the more logical, course. Having amended the erroneous Title Deeds which had been heretofore issued, by the Act which the Council was about to pass, it would be better to correct the form of all Title Deeds to be issued in future. The number to be issued was comparatively small, and he did not think that practically any inconvenience would arise from the adoption of the course suggested by the majority of the Select Committee.

The Bill was then taken into consideration.

Section 1 having been read,

HIS EXCELLENCY THE PRESIDENT observed that, inasmuch as they had resolved to have a new form of Title Deed, it might be advisable to insert words in the present Bill, which would show clearly that it dealt with Title Deeds which had been heretofore issued only.

On the motion of the Hon'ble Mr. NORTON, seconded by the Hon'ble Mr. ELLIS, the word "heretofore" was inserted after the word "Deed" at line 2, section 1; and a corresponding addition was made in the title.

The preamble having been read, the word "all" was omitted before the word "Inams" at line 34, on the motion of the Hon'ble Mr. NORTON, seconded by the Hon'ble Mr. ELLIS.

The Hon'ble Mr. NORTON applied to HIS EXCELLENCY THE PRESIDENT to declare the Standing Orders suspended, in order that the Bill might be passed.

HIS EXCELLENCY declared the Standing Orders suspended.

On the motion of the Hon'ble Mr. NORTON, seconded by the Hon'ble Mr. LOCH, the Bill was passed.

The Council then adjourned *sine die*.

P. O'SULLIVAN,

Ag. Asst. Secretary to Government,
Legislative Department.

MADRAS,
The 22nd of May 1868.

Proceedings of the Madras Government, Legislative Department,
16th June 1868.

No. 14. Proceedings of Government, dated 16th June 1868, No. 188.

Resolved that a copy of the Report of the Select Committee of the Madras Council for making Laws and Regulations on the Inam Title Deeds Bill, and of the Proceedings of the Council, dated the 22nd May, relating to that Bill, be communicated to the Revenue Department, in view to the necessary steps being taken in that Department to give effect to the suggestion made by the Committee for the adoption of revised forms of Inam Title Deeds for future issue to Inam holders, under the rules sanctioned by Government for the adjudication and settlement of Inam lands in this Presidency.

(True Extract.)

P. O'Sullivan
Actg. Asst. Secy. to Govt.,
Legislative Department.

To the Revenue Department. with 2 copies of Report of Select Committee
on Inams' Bill, & of the Proceedings, dated 22nd May 1868.

1734

Adm. to the Commr. of
the Revenue & the Inams
Commr.

Ed. J. H. Bures.

4-30 of Rev. Deeds
8-11 Inam Commr.
4-11 Govt. Secy.
5-11 Legal Dept.

W. H. Blair with plan
himself in commr. to the Govt.
to be in order to
the preparation of an amended form
of Title deed. It is then settled with
the Govt. for the approval of Govt.

with No. 20 No. 188
Sept 20

10 spare copies

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*Anypetion on the
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Proceedings of the
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1861

Oct 17 to 16th 32 June/68
Revenue 1792-3

8-35 18th 1885

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for making laws &
Reg. relating to the
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Bill 1861 of the
Report of the Select
Committee on the
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Revenue of the

Little Red's