

PRESS SERIES.

Letter
C.S., No. 61

Dated 31st Jan^y 1898.

[Despatch Abstract.]

Reporting on the progress made
by the officer on Special Duty for the
revision of the General Tenancy Bill & of
drafting a bill for regulating the relations
of landlord & tenant in Malabar & Reg.
in the circumstances stated, to obtain
the sanction of the Secy of State for his
re-appointment on special duty for a
further period of 2 years.

BACK PAPERS.

G.O.	No.	Department.	Date	G.O.	No.	Department.	Date

FORWARD PAPERS.

G.O.	No.	Department.	Date	G.O.	No.	Department.	Date

The Hon. Mr. Groves
Minute.

As to codifying our
Land Dec. Code or part of it.

Mr. Mr. Allen -

H. C. Mr. Governor -

Omitting the consideration of details, which it is not now necessary to take upon, I entirely agree with my hon. colleague that the codification of the Rev. Regs & Acts is a benevolent task & that the work could not be entrusted to better hands than those of Shrinivasa Raghavalingam. The work is one of which I have attached importance. My hon. colleague will confer including benefit on the administration of the Pres by if it takes it up & carries it through. I had put Shrinivasa Raghavalingam on special duty in the work at once. I should think that considering the importance of the work & the continuous mental (and indeed physical) labour it will involve,

Minutes
29/11

As to Codifying our Land Revenue Code or part of it

The present law requires Amendment especially as regards the order in which. In proof of this I will refer to certain sections of Regs. I + II of 1803:

I of 1803 Board of Revenue

5. The Board has power to control all persons employed in the executive administration of the public revenue. This goes too far. Judicial officers, for instance, are employed.

6. The Members shall assemble two days in the least in every week. Now they have, like other officers to work on all days except holidays.

9. They have to submit an annual report of district. This is altogether obsolete.

10. They have to keep 3 separate sets of their proceedings. This is obsolete.

12. They have to send to Govt a list of all their Records. This, too, is obsolete.

I of 1803

13. Members are forbidden to remove any Records from the office of the Board, & are to refer to such records in the meeting room. This is obsolete.

16, 24 - 29 & 31 about the power of the President (who was at first a member of the Board) are obsolete.

17. About new prohibitions arising during the discussion of any question. This is obsolete.

II of 1803 Collection

12, 32. Collectors are to collect the tax on Salt and Spunk on liquor. Now this is done by the Salt & Akhari Dept.

1. All acts & proceedings of Collectors are to be done in open Kacharis accessible to all persons. This must have been done far & away from the first.

9. Collectors have authority to control all persons employed in the execution & administration of the public revenue. This was too far. See observation in Sec 5 Regt of 181

he should receive the maximum admissible deputation all of Rs 10 per diem, which the Govt. consumption without refer to India for 6 mths. If the work is not completed by the end of six months, we shall have to request India to sanction an extension. Steinmann will require some establishment. He should be asked to report what he will need - arrangements for entertainment etc. he made before he enters on his duties. If he be warned at once probably he would begin work on Sept 1.

8/1
31/7/85

180 - this is not quite correct. As regards Akhari, Collectors are still responsible for everything but preventive duties - long may they remain so
8/1

II of 1803

11. Collectors are to keep & deliver to the Board once a month. This is quite obsolete.

2) The law also requires ^{additional} ~~addition~~ There are matters of importance which are now settled by the Statute Law: e.g. as to the powers of the main Commr., as to the rights of revenue officers to control streams & the distribution of water, as to the rights of revenue officers to enter on private land with a view to the execution of their functions, &c. Some of these powers have been held to exist under Common Law & it is a doubtful matter how far the Statute Law should be added to in order to confirm them.

3) The law also requires modification. There are numerous provisions in the old Regs. & Acts which are unnecessary now. The law relating to the Court of Wards & Minors (Reg. V of 1804 Acts ~~XXI~~ of 1855 & XIV of 1858) is full of obsolete matters and needs re-enactment. A Bill relating to this subject is now before Govt. The law relating to Boundaries & the powers of Survey & Settlement Officers needs amendment - a Bill for amending it is now before the Board. I am not aware at what stage it has arrived. The law relating to the Recovery of Land Rev. appears (II of 1864) to be said to need some amendment.

1. Any of the rules in the Board's Standing Orders should be embodied in the law.

A fresh Bill has been drafted by H.S. & is now with me - I will circ. soon - 8/1 29/7.

In No 604. Govt rejected and
28.8.88
amendment bill but in No 50
7.1.92

they called on the Board to report
on alterations or amendment of
the act necessitated by a certain
decision of the High Court. In
No 817. The Govt promised a
14.12.92
report by the end of Jan. nearly
in Feb. 1893, & their language
showed that they contemplated a
general revision of the act.

In No 47. They say the re-
vision of the act is engaging
12.2.95
their attention. A Bill with
regard to Tenancy & the
Recovery of Rent (VII of '95)
is under consideration. The
question what new provisions
shd be made for Malabar is
under discussion & is not ripe
for settlement. These parts of
the Land Revenue Law cannot,
therefore, be dealt with now.

There are other parts of it
but which could not be codified
for other reasons. It would be
inexpedient to put the new
laws about Village Service and
Village Servants into the Legislative
Council again. There are some
provisions which are included in
the Revenue Codes of other Provinces
which shd manifestly be excluded
in the case of the Presidency.
e.g. The laws relating to

Many of these matters have
already been dealt with by
the Legislature, or will be
dealt with at the coming
Session.

JJ
25.10.95

Will be obtained
from the Govt & circulation -
LL 29/1

they ought to be!

In para 5 of No 470
26.2.92
as to the Tenancy Bill they say
in 1855 an attempt was made
to frame a Revenue Code for
the Presidency. I should like
to see the papers connected
with this attempt.

As at present advised I think
the following Regs. & Acts might
be revised & codified, & if so,
Reg XVI of 1802. About ~~the~~
~~subdivision of land~~
lands, & Collectors keeping
a register of revenue-paying
lands.

Reg I of 1803 Board of Revenue
- II - Collectors.

- XII of 1815. Disputed Boundaries
& Land Disputes. Panchayats.

- VII of 1817 Chanchu Indowment,
Bridges, Schools.

- VII of 1822 Appointment &
removal of native officers
(so far as regards the
Revenue Dept)

- IX of 1822 Code to take cog-
nizance of cases of
the revenue &c

- III of 1823 Power of Board
to suspend judgments
under Reg IX of 1822.

- VII of 1828 Power of Sub-
ordinate & Assess Comm-
- facilitation of Pro.
under Reg IX of 1822

- III of 1832 Limitation under
Reg IX of 1822 SIK

Act XXXVI of 1837 By which the
criminal jurisdiction
of Courts under Reg
14 of 1822

VII of 1848 Punishment. Ma-
jority may make a
valid award.

X of 1849. A number of
the Revenue and
appeals a separate
revenue commissioners
for any district
etc.

VII of 1857 Deputy Collector

IV of 1862 To be
are sufficient pro-
of improvement
by the same Comm.

III of 1865 The same
may.

I of 1865 The same
may alter the limits
of districts

VI of 1865 The same
may present. etc.

II of 1869 improving
revenue officers to
summarise returns

I of 1876 The separate
assessment of ali-
nated portions of
permanently settled
estates

I of 1894 Conduct of
business in the Revenue
of Revenue

A IX of 1865. Enfranchised Village
Service laws.

A III of 1869 The true meaning of
certain words used in Revenue
Deeds

A V of 1893 Revenue Inquiries Act

To do this work we shall need
an able man of high position &
long experience, who would cost too
much. I think the Hon. Sir
Raghu Ram Singh would be an
excellent selection for this work

if he will undertake it.

3. Review the Codes of the
provinces as follows -

1 North West Province	IX 773
2 Oudh	XVI 776
3 Lower Bengal	II 775
4 Ajmere	II 777
5 Bombay	II 777
6 Central Provinces	XVIII 781
7 Punjab	XVII 782

8. Upper Burma III 789

9. Mysore Reg IV of 88

25/10/91

There is no such code for Bengal
or Madras & it is evident that
the code for each part of the
country must be arranged
specially for it to suit its
particular circumstances.

24.7.95

Cine

P. Grose

See my note of Jan 5.

Have these papers
obtained?

26 Oct.

L. H. 28/10.

My dear Gibson:

2 return Minutes of H. H. H.
on Codifying Land Rev. Code. It
has been detained here pending
recd of papers. attended to in 7?
Marginal note of 29th July 95.
but as they have not turned up
as yet. You may want 10
note, now returned

Yours truly
Chas. Carter

41 AUG 95
CENTRAL

1. Aug. 1895

My dear Gibson:

Stott has a great deal to

say about Codification of Land Rev. Code
2- in 92. 93. I think 148 The Gov.
should see 1000 the notes of H. H. H.
received at that time. I see you
have sent for them, so will you
please send them back for me
recognition and to give me
note. It would save time of
you would have Member's note as
Codification was made up
then. You must
be satisfied

2.

In regard to...



Revenue Secretariat,
15-10-1897

Dear Stokes,

Thanks for the papers, which I return - they are all right. I am sorry, however, that they propose to do nothing as regards my extension and increased pay till the Malabar Bill is ready. I am going to Malabar now to discuss



Revenue Secretariat,
29-10-1897

Dear Mr. Grosa,

May I ask that, if the Government propose to recommend my retention on special duty beyond 31st March next for the purpose of seeing the Tenancy Bills through Council and of preparing the Revenue Code &c., they will be pleased to obtain for me



My dear Sir,

Vide enclosed from

Ross -

I think we may direct application to be made for Ross to be kept on Special Duty with an allowance of Rs 3125 for two years from the 1st Apr 98 in connection with -

- (1) The Tenancy Bill.
- (2) The Malabar Tenancy Bill.
- (3) The Codification of the

Hon. Mr. Garstin dated 19-10-92

7-11-1897

Mr. D. K. P.

Please write to the Madras office to send the papers to me.

12-11-97
1/8.

Talu

Mr. 30

my rough Draft Bill with
a number of selected members
of the House, and there will be a
lot of writing to be done
after these discussions and
before I am able to
present a draft Bill to
the Government with a
satisfactory note. I shall
not be finished discussing
the rough Draft much before
the Xmas holidays, and writing
it - and it will be
hard as I can after

the holidays, I cannot hope
to present the Bill and note
to the Government before Feb-
ruary. When that is done,
I presume the Government will
invite criticisms on my Bill,
and they must naturally take
considerable time, in any case,
to criticise my Bill them-
selves - after which I shall
have to re-cast the Bill ac-
cording to their criticisms, and
draft an explanatory letter to
India and all the rest of
it - and it will be
done before April by the time it

I think all this work might
be done in 2 years.

You asked me yesterday
if I thought the Governor
would care to go through
that long letter about the
Panama Bill. I am sure
he would not; but he has
ordered that all important
letters to India are to be
seen by him before they go,
we could not countermand
that order.

29/10/97 Yours very sincerely
J. G. G. G.

I am asking too much when I request that I may be such increase of pay as granted a special salary they may consider proper? equal at least to that of the view of the importance of the work entrusted to me, of my seniority, of merit; and I trust that my past services which have been met with approval invariably been in the heavy from my interviews with the Court, and of the reason you and Sir Henry Bliss on the expectations (if I may be the subject, I understand that permitted to say so) which I the further special duty chosen am ready to forego as long mentioned is expected to be as I am required on special duty, three years, and if I am not duty, I do not think

labor bill goes up to dia, I am afraid. I that out, I should be stranded on 4 April. I trust, in these circumstances, the application will go with the General Menancy Bill — which I understood personally was the original intention of Hon. Members.

Yours sincerely,

J. Moss

My dear Rose
Herewith Robt's letter which I ought to bring over this morning — will you take the necessary steps
Yours
Robt

27/10/97
My dear Stokes,
Please have the requisite application prepared. Perhaps it will be more likely to be successful if the submission is deferred till we have sent in the application about the Toramby Bill which is now in circulation; it may be well to defer it also like we have written about the

to be recommended for
may I suggest that it would
be advisable to obtain sanction
once for all, for three years
from 1st April next.

Yours sincerely,

A. Ross

21. C. J. P.
ma

Note.

Reg,

The Minute of the Honourable
Mr. Grose,

"As to the Codifying our
Land Revenue Code or a part of it "

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When the Minute with
the remarks of the Hon: Mr. Bliss
thereon, was circulated to his Ex-
cellency (Lord Wenlock) the then P
Private Secretary (Mac Cartie) asked
for the following papers:-

(1) the rates recorded by
Sir Henry Stokes on the subject in
1892-93, and

(2) the papers of 1855 referred
to in the Minute.

2. In regard to (1) the
Private Secretary wrote as follows:-

" Stokes had a great deal to say --
about codification of Land Revenue
Law in 1892 - 93. I think His Ex-
cellency the Governor should see
all the notes of Honourable Members
recorded at the time .

3. After a long search
only two papers have been found in w
which Sir Henry Stokes has noted on
the subject -Vide Notes with the

originals of G.O. 58/7-I-92 Rev: & the file
containing Mr. Galtier's 2.0. letter to his Lord of 25.5.93
These notes are extracted at pp

5-6 infra ; and the occasions for
recording them are also briefly ex-
-plained therein.

not quite answer to the Private Secretary's remark that "Stokes had a great deal to say" but it is the impression of the undersigned that Sir Henry Stokes said a great deal more than he wrote on the subject. The undersigned recollects having heard from the then Revenue Secretary Mr. Galton that the subject was discussed in council on more than one occasion that Lord Wenlock and Mr. Garstin desired that Sir Henry Stokes should undertake the codification work: that failing him, they wished to put Mr. Galton to do the work; but that finally it was decided that the matter should lie over.

4. Sir Henry's chief objection was that the undertaking was a colossal one, that an attempt made in the "Fifties" a summary account had to be given up.

5. As to what was done in the "Fifties" a summary account is given at pages 6 to 18 infra.

6. The notes recorded by Sir Henry Stokes ^{as} are stated above in connection with G.Os. No. 58/7-I-92&

: : : : :

7. G. O. No. 58 Revenue. dated 7-1-92.

In the Office Note under the above G. O. the following remarks were submitted (pp. 51-52).

"A regular Land Revenue Code is a desideratum in our Presidency. What we have is only a Revenue Recovery Act. Our entire Survey - Settlement procedure and so many other matters relating to land (Vide the Table of contents in the Mysore Land Revenue Code) are governed by more Executive and departmental orders. If a complete Land Revenue Code is to be attempted it will be work for some months to a special officer."

The then Secretary (Mr. C. A. Galton) remarked thereupon :-

"The drafting of a Land Revenue Code would be a very big job and will probably have to wait for many a year."

Sir Henry Stokes remarked thereon,

"It was tried in the fifties and found too big a job to complete

(initials) H. E. S. Stokes

8. Again, when certain proposals regarding the reorganization of the Board of Revenue were under consideration in 1895 the Hon. Mr. Bliss (then First Member of the Board of Revenue) wrote in a D. O. to the

Copy put up - paper marked E.D.

follows:-

"If however any more extended Legislation is held to be required, I submit that the time has now come, and more than come, when the whole question of the amendment, consolidation and the enactment of what I may call the Revenue Regulations should be taken in hand. These fossil Regulations or the older of them have now been in force for 90 years and it is time that they were brought into accord with facts, and such ridiculous provisions as that papers may not be taken home by a Member of the Board, that all matters shall be disposed of at meetings, that Collectors are to keep and submit diaries and the like swept away. The Court of Wards Regulation too, and others which will readily occur to you, need amendment. Of course a work of this kind cannot be carried out in a day or without the employment of a special agency. It would be necessary to put some very experienced officer on to the work, and I dare say it would take him a couple of years to get through, including the conduct of the Bill ^{be} prepared through the Legislative Council of which it would be advisable, that he should be a member. But in my opinion no more time ^{should} be lost in removing from this Presidency the reproach that it is singular among the Provinces

Burma has
now a Land
Code

18

II 776
2 789

25/10/99

- (1) Sec 13 of Reg. I of 1803
- (2) Sec 6 do.
- (3) Sec 11 Reg. II of 1803

has a ~~number~~ in the file
containing
Mr. Galton's D.O. letter
to Mr. Cane of 25.5.98.

It will be seen from the above that Mr. R. D. Parker was appointed to India (except perhaps Burma) in the want of a proper Revenue Code. Even little Ajmere has its Code and matters are settled on a safe and secure basis, to the benefit of the people and the ease of the administration, while here in Madras it constantly happens that, for want of a Code, the High Court suddenly upsets some proposition which we have been brought up to consider the settled law of the land, and Government is left absolutely without remedy. A Revenue Code must be passed some day. We cannot go on forever on the basis of the obscure and obsolete Regulations of 1802; and we shall be very fortunate, if, when we do proceed to legislation, we do not find that, under the new constitution of the Indian Legislative Council, what would be difficult now will be impossible then."

(6)
Sir Henry Stokes noted as follows:-

"As to the desirability of a Revenue Code for Madras there can be no two opinions. The idea is no new one. A relative and a namesake of my own, Mr. Huddleston Stokes, was on special duty for a long time for the preparation of such a code about forty years ago. The undertaking is, however, a colossal one and it is in vain to think of carrying it out without Special Agency. There is no one better qualified for the task by experience and knowledge than the present Revenue Secretary to

follows:-

Government, but I hardly think that we should succeed at present in getting sanction for a special appointment for the purpose, and Mr. Galtow cannot be spared."

(Initialled) H.E. Stokes

12- 9- 92.

9. A short account of what happened in the "fifties" is subjoined.-

By G. O. dated 20th June 1855, Mr. Huddleston Stokes^(a) was placed on special duty for the revision of the Law relating to recovery of revenue and rent.

By a subsequent order the special duty was extended to the preparation of an entire new Code embracing all subjects connected with the occupancy and assessment of land, the collection of rent and revenue and the different branches of our fiscal administration.

The Special Officer's duty was laid down as follows:-

His first business will be to ascertain the existing law; next to decide what points of it are obsolete what contradictory or what objectionable or inconvenient; and then to determine the general scope of a comprehensive enactment which should repeal all existing Regulations and Acts on the subject and should contain the whole body of Law upon it."

(a) Then, C.O. of Madras

It will be seen that Mr. R. D. Parker was appointed to the duty of superintending the new Acts he should submit for the consideration of the Governor in Council a summary of his views as to the purport and scope on all material points.

10. His first report (a preliminary and general one) was submitted under date 20th September 1855 and will be found printed at ^{pp. 1-8} ~~top paragraph~~ 1-8 of the Volume marked A put up. That report gives a general view of the Revenue Law of the presidency as it existed then. He proposed to extend the revision to every part of that law and this was approved by Government-- G. O. dated 5th October 1855 at ^{pages} ~~paragraph~~ 9-10 of Volume A.

11. His second report was submitted on 17-11-55. That report dealt chiefly with the laws for the settlement of the land revenue and rent.

With the report, he forwarded sketches of two ^{proposed} ~~prepared~~ acts,

1. Sketch of general provisions to form a preliminary Act or the preparatory sections of the first new Act. and,

II Sketch of an Act to be substituted for the then existing laws relating to settlement and Land Revenue and collection of Revenue and Rent -- pp 11- 56 of Volume A.

12. His third report, dated ¹⁸⁵⁶ December 1855, dealt with the Laws, Regulations; the Powers ^{and} ~~of~~ duties of the Revenue officers. With that report

29th April 1862.

follows.
III a sketch of an Act on that
subject-pp 57-75 of Vol. A.

13/ His fourth report was submitted on
under date the 18th December 1955.

The report dealt with the laws govern-
-ing exempted lands, grants and pen-
sions. With the report he submitted

IV. a sketch of an Act dealing
with those subjects pp. 77-87 of Vol A.

14/ The first two reports were referred
to the Board in G. O. dated 10th Janu-
ary 1856. The Board's reply to the
reference (Boards Proceedings No. 1160
dated 18th April 1856) and the G.O. ~~on~~
thereon No. 982 dated 15th September
1856, are printed at pp. 98-121 ~~of~~

of the Volume marked B put up. It will be
seen from para 21 of the G. O. at page
121 of Volume B, that the draft Acts
submitted by Mr. H Stokes were forwarded
to the Government Pleader for the pre-
-paration of a Draft Act for trans-
-mission to the Government of India.

(Note. The Act had then to be passed
in the Imperial Legislative Council.)

15/ The third report and the Draft Act
received therewith were also dealt
with in the same manner, that is, referred
to the Board and finally forwarded to
the Government Pleader for the prepara-
tion of an Act- pp. 147-175 of Vol. B.

16/ Presumably the fourth report and a
Act were dealt with in the same way.

17/ A preis of the correspondence on the
subject of the Revenue Code during ¹⁸⁵⁹~~1857~~
& 1860 is given at pp. 177- 191 of Vol B.

He was at the same time informed

2/ Then Ag. Member
of B. of Dev.
(Mr. H. H. Stokes
seems to have
retired from service
in 1856)

It will be seen from the pre-
(1) that Mr. R. D. Parker was appoin-
-ed to the duty of superintending
the preparation of the Code with the
help of Mr. Mayne, Barrister-at-Law
(2) that drafts of five acts were
prepared,
(3) that the drafts were revised
by the Board and Government: and
(4) that the final outcome was the
eparation of a single Land Revenue
de, the several chapters of which
correspond to the several different
acts previously prepared.

18/ The comprehensive ^{Code then} ~~Law~~ prepared
will be found printed in the Volume
marked C. put up.

The schedule at page 65 of Vol. C
enumerates the several Regulations
and Acts which the Code was intended
to repeal and replace.

19/ The Code formed one of the Bills
introduced into the Legislative --
Council in 1862 the first year of the
the formation of a ^{Local} Legislative ~~Legisla~~
Council under the Indian Act 1861.
The objects of the Bill were explained
as follows:

29th April 1862.

13/

14/

11.

Objects of the Bill

"The Revenue Laws of this Presidency have been always obscure in consequence of the earlier Regulations, which were passed in 1802, being taken from the Code of Bengal, where a zemindari system had been established, although in Madras Ryotwary system almost universally prevailed. These Regulations were recently found unsuited in several respects to the existing tenures, and some attempts which were made by subsequent Regulations to render them more applicable to our Ryotwary Districts were not altogether successful.

Much inconvenience has thus arisen--the rights of the various parties interested in land became confused--revenue was not always clearly distinguishable from rent, and difficulties arose as to the process under which arrears of each were to be recovered.

In other respects also reform was needed.

Parts of our Revenue Laws had become obsolete while others were contradictory, inconvenient and even objectionable from their laying down obsolete rules, chiefly relating to office management, which could not be always followed.

It likewise appeared that the Regulations which related to Panchayats, the settlement of summary suits, and the trial of Native Revenue Servants charged with frauds or embezzlement could be simplified and improved.

Government accordingly resolved on a comprehensive reform of the whole Law, and directed the preparation of a draft Act which was to repeal all existing Regulations, and to contain the entire body of the Revenue Law cleared of existing defects and divided into Chapters or sections, arranged in a clear and intelligible order. The present Bill has been drawn out in conformity with those instructions of the Government.

Signed E. Maltby.

John D. Mayne, Clerk of the Council.

29th April 1862.

12

13/20. The Bill was, however, subsequently withdrawn.
A report of
The speeches made on that occasion by the President and the Hon. Mr. Maltby the introducer of the Bill *is* extracted below:-

14

13.

"The President said, that owing to changes which had recently occurred in the rules by which the purchase and sale of lands were regulated, and owing to other questions affecting the Revenue System which were still under consideration, the Government had determined to withdraw the Revenue Code for the present. If the Code were to be passed at present it would require an enormous amount of alteration, and after it had become Law it would, probably, be necessary next year to introduce an Act to amend it. It would therefore be better to defer it, until the entire Code could be produced.

The Honorable Mr. Maltby said, that as he was the introducer of the Bill, he wished to add a few remarks as to the reasons which had induced the Government to withdraw it. The Bill was originally prepared with great ability and great care, but since it was drafted, the Imperial Legislature had passed several Laws which materially affected its operation. First of all came the Penal Code. The Revenue Code contained provisions giving Criminal Jurisdiction to Collectors, similar to that which they had exercised under Regulation ix of 1822. But it was pretty certain that the Governor General would not now sanction any Criminal Jurisdiction being given to Collectors different from that which they possessed as Magistrates under the Penal Code and Criminal Procedure Codes. It was also advisable to wait and see whether the provisions of the Penal Code were not amply sufficient.

Another point related to the provisions by which various Judicial matters could be decided by summary Suits. These provisions did not harmonize with the Civil Procedure Code. It was undesirable that there should be two distinct systems of procedure, and it would, probably, be proved, that the Civil Procedure Code was adequate to effect every object aimed at by the Revenue Code.

Cause
A further question arose, how far Small Courts might be

14. enabled to deal with arrears of rent. Act XLII of 1860 excluded from the jurisdiction "any claim for the rent of land, or any other claim for which a suit may be brought before a Revenue Officer". By a later Act XII of 1861, the Government is empowered to authorize a Judge of a Small Cause Court to decide cases under the Bengal Act for the recovery of rent, Act X of 1859, in all places in which that Act is in force. Possibly, a similar course of legislation might be adopted here.

Again, the present Revenue Code contains various provisions relating to Endowments. A Bill for the purpose of regulating such Endowments has been introduced by the Honorable Sadagopappa Charloo. We are at present, waiting for the sanction of the Governor-General as our authority to proceed with it. This again may render parts of the present Code unnecessary.

Further, the question of Waste Lands is one for which the Council of the Governor General is at present legislating. We must abstain from passing any Acts relating to land till we see what is done in this respect at Calcutta.

The present Code is very lengthy, and it would require a great deal of time to pass it in its entire state. It contains 269 Sections, and deals with subjects of great intricacy, on which our Revenue Officers are, by no means, agreed. It seems therefore, to be more advisable to introduce portions of the Code gradually, by short Bills. This will, also, prevent the consideration of the Code from clogging the Council unduly, to the exclusion of other work. He, therefore, moved, that the proposed Revenue Code be withdrawn.

The motion was put and agreed to.

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15. 2/. In accordance with the remark made in the speech last quoted above that it would ~~be~~ be more advisable to introduce portions of the Code gradually by short bills, two Bills were introduced in 1865 Nos. 5 & 6 of 1865, which were subsequently passed as Madras Act II of 1864 (Revenue Recovery Act) and Madras Act VIII of 1865 (Rent Recovery Act).

2/. The statement of objects and reasons attached to the first Bill is extracted below:-

1. When the Bill embodying the Revenue Code was brought before the Council, the following remarks were made in explanation of that portion of it to which the present Bill refers:-

"The Revenue Laws of this Presidency have been always obscure in consequence of the earlier Regulations which were passed in 1802 being taken from the Code of Bengal where a Zemindari system had been established, although in Madras ryotwari tenures almost universally prevailed. These Regulations were, consequently, found unsuited in several respects to the existing land tenures and some attempts which were made by subsequent Regulations to render them more applicable to our Ryotwari Districts, were not altogether successful".

14.
16.
enabled " Much inconvenience has thus arisen;
from the rights of the various parties
or any interested in land became confused;
Revenue revenue was not always clearly distinguishable
is e from rent; and difficulties arose as
deci to the process under which arrears of
Act each were to be recovered ."

Pos 2. In consequence of the great
he variety of subjects embraced in the
Revenue Code and other causes which
were found to create difficulty, the
Bill embodying the Revenue Code was
withdrawn , but intimation was given
that portions of it would be brought
forward separately . Accordingly the
present Bill has been prepared both
with a view of simplifying an important
but confused portion of our Revenue Law
and for the purpose of removing some
pressing inconveniences which have now
been brought to the notice of Govern-
ment by the Revenue Board and the
Inam Commissioner.

5. These inconveniences will be found
detailed in the explanation
given of the object of the second Bill
for the "Recovery of Rent," but it has
been necessary to allude to them here
because this Bill is necessarily con-
nected with the other one. Although
it is now proposed, for the sake of
clearness , to legislate separately
for the two subjects of "Rent" and
"Revenue" they are so mixed together
in the existing Regulations that, in
amending the laws regarding the former
it is essential to

regarding the latter, lest a want
of uniformity in process and techni-
cal language should lead to further
confusion.

4. With these preliminary obser-
vations I proceed to observe that
that the present Bill relates strict-
ly to the recovery of public revenue
payable direct to the Government.
It authorizes no new process, but
attempts to arrange the existing
scattered laws in a clear and con-
cise form. The process against a
defaulter will continue to be the
sale of moveable and immoveable pro-
perty and finally personal arrest.
But provision is made that a de-
faulter must be released after a
certain time , instead of leaving the
term of imprisonment unlimited
and those parts of Regulation XXVII
of 1802 which declare a defaulter's
estate forfeited to Government in the
event of resistance to process
have been omitted . It seems suffi-
cient to leave the punishment of the
defaulter for any acts of violence
to the ordinary Criminal laws.

22. Both the Bills were introduced
by the Hon. Mr. Maltby. In connec-
tion with the first Bill the Hon.
mover spoke as follows:-

.....
The principal objects of the Bill
had already been under the considera-

c. 4/1/97

of the Council, as contained in the
Chapter of the Revenue Code. They
were also explained in the Statement
of objects and reasons. This Bill only
applied to the realization of the
Public Revenue, and was rather intended
to consolidate, improve and simplify
the existing laws upon that subject
than to alter them. The importance
of such a measure as the present had long
been felt by the Government, and an
experienced ^{Revenue} officer had been appointed
to codify the Regulations which related
to the collection of the Revenue. He had
proceeded on his task under instruc-
tions from the Revenue Board, and
from Government, and the result of his
labors had been embodied in fitting
language by a professional gentleman
who was now the Assistant Secretary of
the Government in its Legislative De-
partment. It might be hoped, therefore, that
this Bill, and the other Bill which he
was about to move, would prove to be
important improvements in the system
of land administration. There were many
details in each Bill which would require
careful consideration; but these would
all be discussed in Special Committee,
before the Council was called upon finally
to pass the Bill.

23. As already observed the compre-
-sive Code was intended to replace
a number of old Regulations and Acts
which will be found specified in
the schedule at page 65 of Vol: C.

24. The Code having been withdrawn
and no subsequent attempt having
been made to amend the old enact-
ments they continue to be borne on
the Statute ~~Book~~ ^{Book} though several of
the provisions contained therein
have long since become obsolete.

25. Some of these obsolete provi-
-sions are mentioned in the first
part of the Hon: Mr:Grose's Minute.
In this connection the remarks of
Mr. H. Stokes in his third report
(pp 57-66 of Vol. A) may be usefully
perused.

26. In the latter part of his Minute
H. M. mentions the old Regulations
and Acts which he observes might &
ought to be revised and codified.

A file (marked E) is put up
containing copies of these Regula-
-tions and Acts arranged in the ord-
order (which is also the chronolo-
-gical order) mentioned in the Minute

The file contains also the --
marginally noted enactments not men-
-tioned in H. M.'s list, which
may also be usefully amended.

27. Of the Laws mentioned in
para 5 of H. M.'s Minute as requiring
modification,

(1) that relating to Court of
Wards and Minors is being dealt

II of 1806- Karnams
in Ryotwari tracts.
IV of 1822 -Rights of
landholders.

1885 - Board of Revenue.

in the margin to the

c. 4/1/97

(2) that relating to boundaries and the powers of Survey and Settlement-officers is also being dealt with separately.

*Act
can be done
is now*

If however there is to be a Land Revenue Code one or two chapters thereof may be devoted to this subject as is done in the corresponding Codes of other Provinces. Vide, for example Chapter VIII & IX of the Mysore Code which is based on the Bombay Code.

(3) The Law in regard to the Tenancy and Recovery of Rent is being dealt with separately.

*This is a
very
new*

28. There remains the Law relating to Land Revenue and other Government demands now provided for by Madras Act 11 of 1864.

It will be seen from the notes under G.O. 58 Rev./ 7-1-92 that this Act was considered to need extensive revision, and although as observed by H. M. the Board made the Government understand in its Proceedings Nos. 817/14-12-92 & 47/13-2-95 that it contemplated proposing a general revision of the Act, it would be contented itself in the end in proposing a small amendment of Section 42 of the Act--B. P. 5190 Mis. L.R./11-7-96.

*A Bill can
be necessary
has been
25/11*

29. If a general revision of the Act is to be undertaken the new law ^{should, the Hon. Member} provide for matters such as the following:

- para 2 of M. A. S. Committee.*
- (a) Powers of the ~~Managing~~ ^{Revenue} Commissioner.
 - (b) Rights of Revenue officers in regard to ^{control} ~~control~~ of streams and distribution of water from Government

This subject of distribution of water is a source of constant dispute now, and, in the absence of Statute Law on the subject, the common law is frequently laid down by the Civil Courts in terms which seriously restrict ^{the} powers of Revenue officers.

(c) Right of Revenue officers to enter on private land with a view to the execution of their functions &c. To these may be added

(d) Government's rights to mines, metals and minerals

(e) Government's rights in respect of unoccupied lands, whether assessed, unassessed or reserved poramboles such as village or townships, public pathways and beds of tanks and channels. This subject seems to require some statutory provisions.

(f) Some special provisions in respect of the rights of Government (1) to impose or alter assessments on all occupied lands and (2) to levy on all occupied lands on whatever tenure held any rate, tax or cess whenever and so long as the exigencies of Government may render such levy necessary--Vide Section 239 of the Mysore Land Revenue Code.

*R. M.
4.12.96*

c. 8/1/97

19
(2) that relating to boundaries

I very much regret
the ^{excessive} delay which has
occurred in the submission
of this paper.

2. The delay was due
at first to the circumstance
that the second paper
containing Sir H. Stokes'
note extracted in para. 8
above was not
traceable for a long time.
The Registrar, the H. Clerk
and myself remembered
having seen that note,
but none of us could
recollect in what con-
nection the note had
been written.

3. I mentioned this
fact to the Hon. Sec.
Secretary, the Hon. Mr.
Gibson, and he
directed that further
search should be made
as that paper was also
apparently the work of
His Excellency and which
was written by Lord Wellesley.

4. See
Conference - but the
paper was according to the
original.

c. 8/1/77 and
21/1/77

(2) that relating to boundaries

Office proceeded on the assumption that the note would be found with the original of some G.O., whereas as will be seen, it was recorded in connection with a D.O. correspondence which was treated as confidential.

5. This paper was at last discovered only in May last, when the Under Secretary's Clerk who knew that the paper was being searched informed me that it had been put up by the Madras Office for a current then under disposal with the Under Secretary. I remember telling the Under Secretary that I had for some time been in question

It was disposed of in G.O. $\frac{224}{2.6.96}$

of the "Land Revenue" and my impression is that the Under Secretary mentioned this circumstance in the note he then submitted to H. Mr.

6. I waited for the return of the paper circulation and had in the meantime obtained from the Madras Office copies of the vols. A & C. The correspondence was then found to be incomplete: the links between A & C had to be supplied for the Code in C was found to have been prepared not by Mr. Huddleston Stokes but by some one else; and there was also a gap between C and the reproductions of the two Bills which were in force as Act of 1864 and Act II of 1865.

22/9/91
c. 8/1/97 and now cert.

I had glad at that time to have had a copy of the letter.

me a single moment
of other papers to attend
to - and as I had
been informed that
there was a likelihood
of my being transferred
from the Govt Office,
I was anxious to clear
off these arrears and
with that object proposed
to take a short leave
so that I might attend
to these arrears without
having also current
papers to deal with.
The then Dew. Secretary
(the Hon. Mr. Hummel)
however suggested
that if my transfer
should be ordered
I might utilize my
sparing time just
beforehand for
the purpose of
clearing up a few
arrears.

on the very day I
arrived here I received
a notice from the Dew.
Secretary directing
me to take charge
of my new appoint-
ment. I had a few
days interval; as I
did not change im-
mediately - but I could
not do much during
that time as I had
brought with me only
one or two papers.

8. Since joining my
new appointment I
have endeavoured
my utmost to clear
off the arrears above
referred to.

9. The missing links
in connection with
the present paper were
not readily available
in course of
search in the B.O.
Office records. The
vol. marked of two
recently, which were
that vol. which were
files of quarterly pass
VI of 1864 and
VII of 1865.

and now con-
c. 8/1/97

lay. I have also at that

Tate

(2) that relating to boundaries

me a ~~range~~ ~~nom~~
me to prepare the
note submitted above.

10. I beg leave to repeat
my sincere regret
at this excessive delay;
and as I am conscious
that I have been
guilty of several
similar delays, I
beg leave to add that
to my shortcomings in
this respect ~~are~~ ~~which~~
are due not to any want
of zeal for work
but mainly to my
desire to do as
completely as I could
every work given
to me. I trust that

from the Ag. Chief
survey who has
seen my work will
admit that I have
never shirked work
but have ~~been~~
endeavored as
far

far as lay in my power,
to be ~~sub~~ ~~to~~ my
superiors in the dis-
charge of their work.

R. W.

4.12.96

2001/991
c. 8/1/97 and now certain

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large body of Substructure

(2) that relating to boundaries

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15.1.17

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c. 4/1/97 age now unknown named [unclear] back of [unclear] structure [unclear]

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(2) that relating to boundaries

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D. 1,000-20-2-96.

REVENUE DEPARTMENT.

No.

From

Dated

189 .

FOR ORDERS.

San Francisco, C.I.E.

San Francisco, C.I.E.

H. J. The Governor.

The late Mr. Davis has done
laborious & useful work in getting
these facts together; but I know
of them before, having seen ^{all} the
papers at different times, so
they do not put "the matter in a
light entirely new" to me. They
confirm my opinion that the
Codification of our Revenue
Law is very desirable. This
is a long & difficult
business, but not nearly so
long or so difficult as it was
in the Fifties, before the
rules now existing were drawn
up. What was possible in so
many other provinces must be
possible in this. I have kept the
paper & wrote me for a long time,
with the hope that I might be
able to undertake the work
myself at Ootacamund, & so
enable Govt. to dispense with

Special Officers; but I
am now certain that a

This note has been prepared by the
late Mr. Davis after some delay.
It is only necessary to read it
to see that it required much
time & patience in writing & studying
for its preparation. I think the
result justifies the delay. I hope
this note puts the matter in a
light entirely new to Honorable
Members.

It makes it very clear I think
that the proposed revision is
not a matter to be lightly
regarded. It is ~~absolutely~~ abundantly clear
that such revision will require
a spirit & determination of mind for
a very long time. There
are many very large subjects
to be dealt with. It is not a question
of chopping off some branches
of enactments but of creating a
large body of new enactments.

Codification of the

Note for the First Class

I request orders as to
whether this file should await the
Governor's return or be sent
on to Camp.

H. J.
28/1/97.

Tala

in turn the last chance
of getting any of them this the
existing Council without a very
great amount of discussion &
opposition.

7.1.97

I quite agree with the Hon
Mr. J. M. Gordon that the preparation
of a Rev. Code will be a tough job, but it
has been immensely lightened by the
special legislation on different branches of
the subject which has been carried through in
the last 35 years, & it will be still further
lightened by the projects of law which are now
under preparation & ^{arranged} introduction into
the Legislative Council. I think Mr. Ross will do
the work well. We shall have to give
shortly for further extension of his term on
his special duty & we might then say that
the purpose to employ him on this work as
the colleague on the Terengganu Bills, he already has
I in hand.

28/10/97

I would like to propose to the members to employ
Mr. Ross on this work, which is clearly a
very desirable one.

5.12.97

FOR ORDERS.

Special Officer is absolutely
necessary. When I first met
as the subject I thought
S. Srinivasa Rajah was I suppose
should be asked to undertake
this work, but he is no longer
in Madras, & I now think the
fittest man who can be
furnished with the work is Mr.
Ross. He has the legal knowledge
which is the great thing wanted,
since ~~now that~~ the Codes of other
provinces have shown how
the matter should be arranged
& drafted. He would be too
expensive for us to hope that
the Sec of State would sanction
his remuneration for this work
alone; but he will have to be
kept on special duty in con-
nection with the Terengganu &
Malabar Bills for 18 months
at least, & could attend to
the Codification at the same
time, so that only a portion
his pay can be charged to

25/11

The Hon. Mr. J. M. Gordon C. J.
The Hon. Mr. Henry Blis C. J.
The Hon. Mr. Henry the Governor

Now that the Terengganu Bill
letters have gone on I
think this application
may be submitted

17/11/97

Yes - as soon as the
Bill has gone

19/11/97

19.1.98

Note

With reference to the
accompanying do. letter
of Mr. Ross dated the 15
instant, orders are issued
as to whether the Govt.
should be addressed
immediately in regard to
the extension of his term
and (2) in respect pay.

18/11/97

16/11/97

seen from my letter
number last No. 9. Legis-
lation revision of the general

19
 in view the last chance
 very fitting and the the
 existing law
 not amend
 for this.

FOR ORDERS.

I am
 Mr. Ross
 of a Res. C
 has been
 special
 the subject
 the last 35 years, with
 lightened by the project
 under preparation
 the Legislative Council.
 the
 shortly
 he
 the
 the
 I have

I would like to know
 Mr. Ross on this issue
 very desirable to

Print very urgent
 24/1/98

14/1/98

Drafts for approval

8/1/98 14/1/98

& the Governor

18/1/98

17/1/98

2444
 13-5-97

R.C. 14/1/98
 R.C. 17/1/98
 C. 18/1/98
 R.C. 21/1/98

flogged B

Ross (in special duty)

Ordered that the following letter
 be despatched to the Govt. of India.

[Signature]

To Mr. H. T. Ross I.C.S.

Letter No. 618/312/Jan 4 1898

To the Secy. to the Govt. of India,
 Finance & Commerce Department.

Sir,

With reference to the correspond-
 ence ending with the Secretary of
 State's despatch No. 4 dated the 18th
 April last, sanctioning the retention
 of Mr. Ross I.C.S. on special duty till
 the end of March 1898 for completing
 the revision of the General Tenancy
 Bill and of framing a Bill for regulat-
 ing the relation of landlord and tenant
 in Malabar, I am directed to state re-
 port for the information of the Govt.
 of India the progress made by the spe-
 cial officer and to request that in the
 circumstances stated below the sanction
 of the Secretary of State may be obtain-
 ed for his retention on special duty for
 a further period of two years.

2. It will be seen from my letter
 of the 19th November last No. 90 Legis-
 lative that the revision of the general

Tenancy Bill has been completed and it only requires the approval of the Govt. of India to its introduction into the Legislative Council.

In regard to the law for regulating the relation of land-lord and tenant in Malabar I am to state that Mr. Ross has framed the roughdraft of a Bill, which he is discussing with a number of competent local men interested in the welfare of the District, and that sometime will elapse before he can put it into complete shape and submit it for the orders of Government. Mr. Ross hopes to be able to do this by the end of Feby. next. The consideration of the Bill by the Govt. will take sometime and Mr. Ross's services will be required to recast the Bill in accordance with the orders that may be passed thereon. The revised Bill cannot therefore be submitted for the approval of the Govt. of India earlier than the end of April next.

4. Mr. Ross's services will be required even after the latter Bill leaves his hand in order to get both the general Tenancy Bill and the Malabar Bill passed through the Council. As pointed out in para 4 of this Govt's despatch to the Secy of State No.3 dated 9-3-97 many difficult questions are likely to crop up in connection with the land revenue settlement of the district, in the solution of which Mr. Ross's advice and assistance will be invaluable.

5. In connection with these matters it will be necessary to retain Mr. Ross

2. 1. 10/11/97
10/11/97
10/11/97

in G.O. no 1073
23.2.97 + 10/11/97 D

Please see note on the codification
of Revenue laws flagged E
and the note on the Revenue
3. 10/11/97
10/11/97
10/11/97

Please see statement of objects
and reasons to the Bill prepared
by Mr. Huddleston Stokes in
his notes on the codification
of Revenue laws flagged G.
Yes but this has been
repeatedly
repeatedly
repeatedly

10/11/97
10/11/97
10/11/97

Ross on special duty for sometime to
and as during this period he will not be
fully occupied, the Govt. proposes to
trust to him the duty of codifying the
the revenue laws of this Presidency.

The revenue laws of this Presidency
have always been obscure in consequence

of the earlier regulations passed in 1802
having been taken from the enactments

passed in Bengal in which a different
land tenure prevailed. Some attempts which

were made by subsequent regulations to
render them more applicable to the ryot-

wari tracts have not been altogether
successful. However, many of the provisions

in the old regulations have become
obsolete and the laws affecting the revenue

and its administration require generally
modifications and additions

in many respects. The necessity for
the codification of this branch of the

was recognised so early as 1855 when Mr.
Huddleston Stokes was placed on special

duty. But eventually after considerable
correspondence a Bill of

260 sections was introduced into the local
Legislative Council. But

causes which are set forth in detail in
the Hon. Mr. Wally's speech in the Legis-

lative Council, the matter was dropped &

Talu

Emergency Bill has been completed and it
only requires to be introduced into the Council
and it was decided to introduce portions
of the Code gradually by short Bills.

Proposed
The Revenue and Rent Recovery
Acts of 1864 and 1865 were the
results of this decision.

Among the old enactments many of which
now form part of the Statute-book though
stated above several of the provisions
contained therein have long since been
abolished.

(It is unnecessary to point out that Madras is the only Province in which a comprehensive revenue code has not yet been framed.)

The preparation of such a code will be attended with difficulties, but it has been lightened by the special legislation on different branches of the subject which has been carried through during the last 30 years and it will still be further lightened by the projects of law which are now under preparation viz., the Revenue Bill and the Court of Wards Bill.

(I am to state that in the opinion of H.E. the Governor in Council Mr. Ross is peculiarly fitted to undertake the work by his legal knowledge and varied experience, and I am accordingly to request that the Secretary of State may be moved to sanction his further retention on special duty for a period of two years.)

8. As regards the pay to be given to Mr. Ross during the time he will be employed on special duty I am to state that in the opinion of this Govt. the pay of the Revenue Secy. to Govt viz., Rs. 3125 a month will not be too large considering the nature of the work to be done and

(This Govt. has long felt the want of a comprehensive Rev. Code which will replace the old enactments, supplying defects in the legal machinery required for the Rev. admin. and establishing the rights of the ryots and the Govt. on a sound legislative basis.)

of Sir W. ... E

for this ...

It is not possible to forecast with degree of accuracy the time within which Mr. Ross will be able to complete the work, but he will not be able to put through more than two years.

Please see the Honorable ... do to Sir W. ... 29 ... + 1/2

and Mr. Ross's standing in the service I am accordingly to request that the sanction of the Secy. of State may be obtained for granting to Mr. Ross this increase of pay from 1st April 1898.

KD
11/1/98

JP 11/1/98

12/12

tenancy Bill has been completed and it

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1898.

FINANCE AND COMMERCE DEPARTMENT.

From

The Government of Fort St. George.

Recd.

Regd.

1898.

Enclosures

Spare copies

Letter, No. 61, 31st January 1898.

JANUARY.

REPORTING on the progress made by the officer on special duty for the revision of the General Tenancy Bill and of framing a Bill for regulating the relation of landlord and tenant in Malabar; and requesting, in the circumstances stated, to obtain the sanction of the Secretary of State for his retention on special duty for a further period of two years.

REVENUE DEPARTMENT.

From

THE HON'BLE MR. G. S. FORBES, M.A., I.C.S.,
Acting Secretary to the Government of Madras,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCE AND COMMERCE DEPARTMENT.

Dated Fort St. George, 31st January 1898.

SIR,

With reference to the correspondence ending with the Secretary of State's Despatch No. 4, dated the 15th April last, sanctioning the retention of Mr. Ross, I.C.S., on special duty till the end of March 1898 for completing the revision of the General

Miscellaneous.

Tenancy Bill and of framing a Bill for regulating the relation of landlord and tenant in Malabar, I am directed to report, for the information of the Government of India, the progress made by the special officer and to request that, in the circumstances stated below, the sanction of the Secretary of State may be obtained for his retention on special duty for a further period of two years.

2. It will be seen from my letter of the 19th November last, No. 90, Legislative, that the revision of the General Tenancy Bill has been completed and it only requires the approval of the Government of India to its introduction into the Legislative Council.

3. In regard to the law for regulating the relation of landlord and tenant in Malabar, I am to state that Mr. Ross has framed the rough draft of a Bill, which he is discussing with a number of competent men in that district, and that some time will elapse before he can put it into complete shape and submit it for the orders of Government. Mr. Ross hopes to be able to do this by the end of February next. The consideration of the Bill by the Government will take some time and Mr. Ross's services will be required to recast the Bill in accordance with the orders that may be passed thereon. The revised Bill cannot, therefore, be submitted for the approval of the Government of India earlier than the end of April next.

4. Mr. Ross's services will be required even after the latter Bill leaves his hands in order to get both the General Tenancy Bill and the Malabar Bill passed through the Council. As pointed out in paragraph 4 of this Government's despatch to the Secretary of State, No. 3, dated 9th March 1897, many difficult questions are likely to crop up in connection with the land revenue settlement of the district, in the solution of which Mr. Ross's advice and assistance will be invaluable.

5. In connection with these matters it will be necessary to retain Mr. Ross on special duty for some time to come, and as during this period he will not be fully occupied, the Government proposes to entrust to him the duty of codifying the Revenue Law of the Presidency. The earlier regulations passed in 1802 were taken from the enactments passed in Bengal in which a different land tenure prevailed. Some attempts which were made by subsequent regulations to render them more applicable to the ryotwari tracts have not been altogether successful. Many of the provisions in the old regulations have become obsolete and the laws affecting the revenue and its administration require generally modifications and additions in many

respects. The necessity for the codification of this branch of the law was recognised so early as 1855, when Mr. Huddleston Stokes was placed on special duty. But eventually, after considerable correspondence, the matter was dropped and it was decided to introduce into the Legislative Council portions of the proposed code gradually by short Bills. The Revenue and Rent Recovery Acts (II of 1864 and VIII of 1865) were among the results of this decision. This Government has long felt the want of a comprehensive Revenue Code which will replace the old enactments, supplying defects in the legal machinery required for the revenue administration and establishing the relative rights of the ryots and the Government on a sound legislative basis. It is unnecessary to point out that Madras is, with the exception of Lower Bengal, the only Province in which such a code has not yet been framed. I am to state that, in the opinion of His Excellency the Governor in Council, Mr. Ross is peculiarly fitted by his legal knowledge and varied experience to undertake the work for this Presidency.

6. It is not possible to forecast with any degree of accuracy the time within which Mr. Ross will be able to finish the work, but in all probability the time occupied will not be less than two years. I am accordingly to request that the Secretary of State may be moved to sanction Mr. Ross's further retention on special duty for that period. As regards the pay to be given to Mr. Ross during the time he will be employed on special duty, I am to state that, in the opinion of this Government, the pay of the Revenue Secretary to Government, viz., Rs. 3,125 a month, will not be too large, considering the nature of the work to be done and Mr. Ross's standing in the service. I am accordingly to request that the sanction of the Secretary of State may be obtained for granting to Mr. Ross this increased pay from 1st April 1898.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed) G. S. FORBES,
Ag. Secretary to Government.

Exd. W. D'Moss.

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