

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 289

Press
~~Mis.~~

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Dated 10 - 3 - 18 57.

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 10th March 1857.

Read the following Papers.

No. 51. From GEORGE ELLIS, Esq., Register to the Court of Sudder Udalt; to T. T. PYCROF Esq., Chief Secretary to Government, dated 11th November 1856, No. 119.

SIR,

1. I am directed by the Judges of the Court of Sudder Udalt to submit to be laid before the Right Honorable the Governor in Council the following observations on the Bill for the acquisition of Lands for public purposes published at page 551 of the 2nd Volume of the Official Gazette.

Section V. 2. The Judges are of opinion that the Collector should not be the sole judge of the validity of claims, but every Claimant should be entitled to have his claim submitted to arbitration.

3. The award should be reduced to writing and signed by the party agreeing thereto.

Section VII. 4. No provision is made for a party whose claim may have been rejected by the Collector, but who afterwards establishes his right.

Section IX, Clause Second. 5. The Court do not think the provisions for the appointment of an arbitrator by the person selected by the Collector to be just to the Claimant.

Section XXII. 6. The Judges are of opinion that in this Section the words "a yard, premises or garden" should be added after "manufactory."

(Signed) GEORGE ELLIS,
Register.

REVENUE DEPARTMENT.

No. 4363.

No. 52. Extract from the Proceedings of the Board of Revenue, dated 20th December 1856.

Read Extract Minutes of Consultation, dated 9th October 1856, Judicial Department, forwarding for any observations that the Board may have to offer, copy of a Bill and of the Report of the Select Committee on the project of Law for the acquisition of Land for public purposes.

(Here enter No. 1091.)

The Board have perused the above Bill, and the only observations they have to make are the following:

1. In Clause 2, Section IX, line 6, they would either omit the parenthetical sentence "subject to the orders of the Commissioner, &c." or substitute "approval" for "orders." The power vested in the Collector by this Clause can be exercised only when the parties interested cannot agree in the nomination of an arbitrator, and it would seem therefore that the course to be adopted in that case might be left entirely to the discretion of the Collector. If however this should be held objectionable, the alteration suggested by the Board would obviate all doubts as to the manner in which the Board are to interfere. As the Bill is worded, it is not clear whether the Board are to interfere on a report from the Collector, or only on the appeal of the parties concerned, and whether the act of the Collector is to remain in abeyance pending their decision.

2. In Section XXX, line 28, the Board would omit the word "independent," as no Officer under a Collector can strictly be said to have independent charge of a portion of any District.

(A true Extract.)

(Signed) J. D. SIM,
Acting Secretary,

*The measure is hereby
2. The two latter officers*

Fort St. George, Judicial Consultation, 10th March 1857.

No. 53. From Lieutenant Colonel T. T. PEARS, c. B., Consulting Engineer for Railways; to T. PYCROFT, Esq., Chief Secretary to Government, dated 3rd March 1857, No. 72.

I have the honor to acknowledge an order of Government, No. 1091, of the 9th October last, forwarding for any observation I might have to offer, copy of Bill for the acquisition of land for public purposes; and I beg to report, that I have carefully gone through its provisions, and that they appear to me to be, in all respects, complete and sufficient.

(Signed) T. T. PEARS,
Consulting Engineer for Railways.

Ordered that the following letter be dispatched.

No. 54. From T. PYCROFT, Esq., Chief Secretary to Government; to the Member of the Legislative Council of India, for Madras, dated 10th March 1857, No. 289.

SIR,

I am directed by the Right Honorable the Governor in Council to inform you that a copy of the Bill for the acquisition of Land for public purposes and of the report of the Select Committee upon it, were on receipt, forwarded for remarks to the Court of Sudr Adawlut, the Board of Revenue, the Chief Engineer, and the Consulting Engineer for the Madras Railway.

2. The two latter Officers state that they have no observations to offer on the Draft which appear to them in all respects correct and sufficient. The Sudr Court and the Revenue Board have made a few suggestions which I am desired to transmit for your consideration.

(Signed) T. PYCROFT,
Chief Secretary.

13-3-57

No. 289

Judicial Department

order for Madras of Leg. Council. 1857

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At
T. P.
M. P.

1031
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The Board Council &
K-Review Board
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desirous to be used
- but for your
consideration

For to St George,
10 March, 1857

J. J.

1857
14.10.57

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On 10th of 10th March
Judicial 1857 before 9th

No. 289

To
The Member of the
Leg. Council of India
for the 1st
of 10th March 1857.