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Press
Miscellaneous No. 2, dated 23-1-1897
Routine

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Li at
	Department.	C. No.	Year.			
27-7-09	Legislative	406/09		ek		
21-1-11	Leg	1107		ek	18/2/11	
29-9-11	MRE	3549 of 11		ek	22/6/12	
12/4/15	MRE	124/15		ek	15/7/15	

Legislative (1897) Department.

VE

ORDINARY PRINTED.

G.O., No. 5

DATED 3-2-97
+ Dec No 2 of 6-2-97

INDEXED.

9/9

Letter

[Despatch Abstract.]

Madras Survey Bill

Requesting the sanction of the Government for the repeal of Act XXVIII of 1860 in view to the passing in the Madras Legislative Council of a Bill to amend the law relating to survey and the settlement of boundary disputes.

Despatch

Transmitting for information copies of a Bill to amend the law relating to survey and the settlement of boundary disputes.

BACK PAPERS.

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

FURTHER PAPERS.

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

Government { 1897 } of Madras. LEGISLATIVE.

Recd.

Regd.

1897.

Enclosures

Spare copies

Letter, No. 5, 3rd February 1897.

FEBRUARY.

Madras Survey Bill.

Requesting the sanction of His Excellency the Governor-General for the repeal of Act XXVIII of 1860, in view to the passing in the Madras Legislative Council of the —. (A Bill to amend the law relating to survey and the settlement of boundary disputes.)

LEGISLATIVE DEPARTMENT.

LETTER—from

THE SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
REVENUE AND AGRICULTURAL DEPARTMENT.

SIR,

I am directed to request that His Excellency the Governor-General may be moved to sanction the repeal of Act XXVIII of 1860 (an Act for the establishment and maintenance of boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort St. George). I am to explain that the question of consolidating and amending the law relating to the conduct of surveys and the settlement of boundary disputes has for some time past engaged the consideration of His Excellency the Governor in Council, and to say that a Bill for the purpose of carrying out this object has now been prepared and transferred to this department for introduction into the Local Legislative Council. From the copy of the Bill which is enclosed, it will be seen that section 2, if carried into law, will have the effect of repealing Act XXVIII of 1860 and Madras Act II of 1884. The repeal of the former Act however requires the formal sanction of the Governor-General under section 5 of the Indian Councils Act, 1892, inasmuch as it is an Act of the Governor-General of India in Council. It may be well that I should remind the Government of India of the fact that Act XXVIII of 1860, has been applied by notification to the Province of Coorg.

I have the honour to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
3rd February 1897.

Secretary to Government.

Exd. C. M. Thambusawmy.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE (1897) DEPARTMENT.

Letter to the Right Honourable the
Secretary of State for India.Dated February,
No. of 1897.

Forwarding a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundaries in the Madras Presidency which is about to be introduced into the Madras Legislative Council, and stating that the final passing of the measure will be deferred pending the receipt of any remarks which the Right Honourable the Secretary of State for India may desire to offer on the subject.

LEGISLATIVE DEPARTMENT.

LETTER—to

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

MY LORD,

We have the honour to transmit, herewith, a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundary disputes in the Madras Presidency which is about to be introduced into the Madras Legislative Council, and which has been published in the *Fort St. George Gazette* of the 26th ultimo. The objects and reasons of the proposed legislation are set out in the annexure to the Bill from which it will be seen that the measure is substantially little more than a consolidation of the existing law as contained in Act XXVIII of 1860 and Madras Act II of 1884. The opportunity has been taken to make it clear that Government has power to survey proprietary estates—a point in regard to which the existing law is not free from doubt. The measure has been under consideration for a considerable period and in view of the unavoidable delay which has taken place in the past, we propose to take immediate steps towards the introduction of the Bill into the Legislative Council in order that it may be referred to a Select Committee in the ensuing session. The final passing of the measure will, however, be deferred pending the receipt of any remarks which Your Lordship may desire to offer on the subject.

2. Section 2 of the Bill proposes to repeal Act XXVIII of 1860 and Madras Act II of 1884. As Act XXVIII of 1860 is, however, an Act of the Governor-General of India in Council, the previous sanction of the Governor-General, under section 5 of the Indian Councils Act, 1892, has been applied for, for the proposed repeal.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

FORT ST. GEORGE,

6 February 1897.

ENDORSEMENT—No. 12, Legislative, dated 6 February 1897.

Copy to the Government of India, Legislative Department.

Secretary to Government.

Exd. Shaik Karim.

To the President
The House

There is a modification in the last
sentence. It is perhaps right to
reword the first. As India that
our act applies to Congress.

29 ASH 30.1.97

118.

A draft revised despatch to
the Sec. of State is put up
for approval.

Also a draft to the
Govt. of India. The last
sentence may be omitted.

Sec. 5 of the Councils Act
of 1892 (p 29 of the blue
pamphlet cont. the Councils
Act) while authorizing a
local legislature to repeal an
act of the Supreme Govt. ex-
pressly declares, as indeed
must obviously be the case,
that the repeal or amendment
is only "as to that province".

The repeal of this Imperial
Act as to Madras will not
affect its operation in any

unless the Council sits

on to the 11th Feb the publication
under S. 33 will not be good
as to operate as an intro-
duction of the Bill. But as
the Member in charge may intro-
duce the Bill under rule 31
if G.E. suspends rules 32 & 34,
to wit there will be the less
objection since the Bill will have
been published short of the
prescribed period by only a
day or two, then the H.C. may
make the reference to a
Sel. Comtee, which is what I understand the New Dept wants.

S.P.

28/1/97

I am not sure that if
Rule 34 is suspended I
can introduce the
Bill. This only part of
30.1.97 the rules which has
been suspended viz the provision
requiring publication 15 days
previously. Rule 50 gives power
to the Council to suspend any
rule or rules, but it does not
seem to me to give power to
suspend the operation of part
of a rule leaving the other
parts in full force. I will
however give notice of the
Bill & report of the Bill under
Rule 31

JG
1.2.97

The Secy.

7
9/2

Draft Letter. No 5 Legre 7 3/2/97

To

The Secretary to the Government of India.

Revenue & Agric. Department.

Sir,

I am directed to request that H.E. the Governor General
may be moved to sanction the repeal of Act XXVIII of 1860 (an
Act for the establishment and maintenance of boundary marks
and for facilitating the settlement of boundary disputes in
the Presidency of Fort St. George). I am to explain that the
question of consolidating and amending the law relating to
the conduct of surveys and the settlement of boundary dis-
putes has for some time past engaged the consideration of H.E.
the Governor in Council and to say that a bill for the pur-
pose of carrying out this object has now been prepared and
transferred to the Legislative Department for introduction
into the Local Legislative Council. From the copy of this -- the
Bill which is enclosed, it will be seen that section 2, if
carried into law, will have the effect of repealing Act --
XXVIII of 1860 and Madras Act II of 1884. The repeal of the
former Act however requires the formal sanction of the
Governor General under section 5 of the Indian Councils Act,
1892, inasmuch as it is an Act of the Governor General. An addition-
al reason which necessitates a reference to the Government
of India is the fact that Act XXVIII of 1860 has been applied
by notification to the province of Coorg.

this Dept

This would affect
the 9th Act which is
in force unless
repealed there?
8/2

and between brackets

I have &c.

I would substitute for the passage between brackets, the following: -- "It may be well
that I should remind the Gov. of India of the fact that Act XXVIII of 1860 has
been applied by notification to the Province of Coorg."

ES

8
FORT SAINT GEORGE.

2 REVENUE (1897) DEPARTMENT.

(Copy.)
*See revised copy
below (H.S.)*

LETTER to the Right Honourable the Secretary of State
for India.

No. , dated January 1897.

FORWARDING a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundaries in the Madras Presidency which is about to be introduced into the Madras Legislative Council, and stating that the final passing of the measure will be deferred pending the receipt of any remarks which the Right Honourable the Secretary of State for India may desire to offer on the subject.

1897
Leg. Dept.
Enclos. No. 2
To
C. N. 24

1897 JANUARY

No. 2, REVENUE,

REVENUE DEPARTMENT.

To THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA

My Lord,

We have the honour to transmit herewith a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundary disputes in the Madras Presidency which is about to be introduced into the Madras Legislative Council. The objects and reasons of the proposed legislation are set out in the annexure to the Bill from which it will be seen that the measure is substantially little more than a consolidation of the existing law as contained in Act XXVIII of 1860 and Madras Act II of 1884. The opportunity has been taken to make it clear that Government has power to survey proprietary estates—a point in regard to which the existing law is not free from doubt. The measure has been under consideration for a considerable period and in view of the unavoidable delay which has taken place in the past, we propose to take immediate steps towards the introduction of the Bill into the Legislative Council in order that it may be referred to a Select Committee in the ensuing session. The final passing of the measure will, however, be deferred pending the receipt of any remarks which Your Lordship may desire to offer on the subject.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK

() H. W. BLISS

() J. GROSE

Fort St. George,
January 1897.

No. 2, REVENUE,

JANUARY 1897.

REVENUE DEPARTMENT.

To

THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA.

My Lord,

We have the honour to transmit, herewith, a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundary disputes in the Madras Presidency which is about to be introduced into the Madras Legislative Council. The objects and reasons of the proposed legislation are set out in the annexure to the Bill from which it will be seen that the measure is substantially little more than a consolidation of the existing law as contained in Act XXVIII of 1860 and Madras Act II of 1884. The opportunity has been taken to make it clear that Government has power to survey proprietary estates—a point in regard to which the existing law is not free from doubt. The measure has been under consideration for a considerable period and in view of the unavoidable delay which has taken place in the past, we propose to take immediate steps towards the introduction of the Bill into the Legislative Council in order that it may be referred to a Select Committee in the ensuing session. The final passing of the measure will, however, be deferred pending the receipt of any remarks which Your Lordship may desire to offer on the subject.

+ which has been published in the Fort St. George Gazette of the 26th instant.

* 2.

We have the honour to be,

My Lord,

Your Lordship's most obedient, humble servants,

(Signed) A. E. HAVELOCK

() H. W. BLISS

() J. GROSE

Fort St. George,
January 1897.

* 2. The bill has been published in English in the Fort St. George Gazette of the 26th instant. Section 2 of the Bill ^(proposes to) repeal Act XXVIII of 1860 + Madras Act II of 1884. As the Act XXVIII of 1860 is however an act of the Governor General of India in Council, the sanction of the Governor General, under Section 5 of the Indian Councils Act 1892, has been applied for for the proposed repeal.

Exd. Shaik Karim.

35 Copies.

8-5H
30.1.97

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE (1897) DEPARTMENT.

*Copy in which the corrections
have been carried out.*

Letter to the Right Honourable the
Secretary of State for India.

Dated 6 ^{Feby} January,
No. 2 of 1897.

Forwarding a Bill for the consolidation and amendment of the law relating to the conduct and maintenance of surveys and the settlement of boundaries in the Madras Presidency which is about to be introduced into the Madras Legislative Council, and stating that the final passing of the measure will be deferred pending the receipt of any remarks which the Right Honourable the Secretary of State for India may desire to offer on the subject.

1397.
Leg. Dept.
Enclos. No. 1
To
O. No. 24