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M.R.O. 1-28,000-16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	<u>488</u>	Press
		Mis.
Dated	<u>18-4-</u>	<u>191868</u>

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Public Department,
18th April 1868.*

No. 126. Read the following letter from the Assistant Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George ; dated Fort William, 27th February 1868, Circular No. 382.

Foreign Department,
General.

I am directed to draw your attention to the accompanying Notification of this Department, No. 4011, dated 3rd December 1858, and to state that the Governor General in Council would be glad to receive a report as to the working of the rule in the Madras Presidency, with an expression of opinion as to the desirability or otherwise of any modification of the Notification in question.

No. 4011.
NOTIFICATION.

Foreign Department.

In the year 1855 a public Officer serving under the Government of Bengal, with the cognizance of his immediate official superior, sold a horse to a Native gentleman living within his jurisdiction for Rupees 900. There was not the remotest reason to suppose that the sale was in any respect otherwise than a fair transaction, but the matter having in due course been reported to the Honorable Court of Directors, the Court were pleased, in a Despatch, dated the 4th March last, to desire that sales of this description between public servants in India and Natives within their jurisdiction or beyond should be strictly prohibited. The President in Council is assured that pecuniary transactions of an objectionable nature between public servants and Natives of India seldom, if ever, now occur, and has the fullest reliance on the honor of the Queen's servants in all departments ; but transactions of the nature alluded to, though in themselves entirely fair, and perfectly free on both sides from all unworthy motives, are liable to misconstruction, and when misconstrued are no less mischievous in their effect than corrupt dealings. In conformity, therefore, with the instructions of the Honorable Court all such sales are prohibited. Should a public Officer be doubtful whether a transaction to which he desires to become a party comes within this prohibition, he will consult his superior Officer, and be guided by the instructions he may receive. A controlling Officer consulted on such an occasion will dispose of the case himself, or refer it for the orders of Government as he may consider proper.

(By order of the Honorable the President in Council.)

(True Copy).

Fort William,
3rd December 1858.

(Signed) J. MARTIN,
Officiating Registrar.

No. 127. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 18th April 1868, No. 488.

I am desired to acknowledge the receipt of your letter, No. 382, dated 27th February 1868, and in reply to report that the Rules prescribed as to sale transactions between public Officers and Natives have been carefully observed in this Presidency. On occasions where Officers, on leaving districts, have been desirous of selling to Natives houses, their own property, they have previously obtained the permission of Government.

2. In reply to your question as to any modification which may be necessary in the Notification, No. 4011, dated 3rd December 1858, I am to observe that, as regards the sale of immoveable property, the Governor in Council sees no objection to such property being sold by public Officers, provided that a full report of the circumstances under which a public Officer wishes to effect such a sale is made

Proceedings of the Madras Government, Public Department,
18th April 1868.

to the Government, and their permission is obtained. As regards the moveable property of public Officers quitting a station, the Government would allow the sale by auction of such property, the previous sanction of Government being obtained to the auction being held.

(Signed) R. S. ELLIS,
Chief Secretary.

No. 4011.

GOVERNMENT OF INDIA.
FOREIGN DEPARTMENT.

NOTIFICATION.

FORT WILLIAM, the 3rd December 1858.

IN the year 1855, a public officer serving under the Government of Bengal, with the cognizance of his immediate official superior, sold a horse to a Native gentleman living within his jurisdiction for Rupees 900. There was not the remotest reason to suppose that the sale was in any respect otherwise than a fair transaction, but the matter having in due course been reported to the Honorable Court of Directors, the Court were pleased, in a despatch dated the 4th March last, to desire that sales of this description between public servants in India and Natives within their jurisdiction or beyond should be strictly prohibited. The President in Council is assured that pecuniary transactions of an objectionable nature between public servants and Natives of India seldom, if ever, now occur, and has the fullest reliance on the honor of the Queen's servants in all departments; but transactions of the nature alluded to, though in themselves entirely fair, and perfectly free on both sides from all unworthy motives, are liable to misconstruction, and when misconstrued are no less mischievous in their effect than corrupt dealings. In conformity, therefore, with the instructions of the Honorable Court all such sales are prohibited. Should a public officer be doubtful whether a transaction to which he desires to become a party comes within this prohibition, he will consult his superior officer and be guided by the instructions he may receive. A controlling officer consulted on such an occasion will dispose of the case himself, or refer it for the orders of Government as he may consider proper.

By order of the Hon'ble the President in Council.

(True Copy.)

Martin
Asst. Secy. to the Govt. of India.

Circular

N^o 382.

From

J. T. Wheeler, Esq.

Assistant Secretary to the

Government of India

To

The Secretary to Government

Fort St. George

Fort William, the 27th Feb'y 1868.

Foreign Dept^l
General

Sir,

I am directed to draw your attention to the accompanying Notification of the Department, No. 4011, dated 3^d December 1858 and to state that the Government in Council would be glad to receive a report as to the working of the rule in the Madras Presidency with an expression of opinion as to the desirability or otherwise of any modification of the Notification in question.

I have the honor to be

Sir,

Your Most Obedt. Servant,

Fort William

The 27th February

1868.-)

J. T. Hunter

Offlly Secy to the Govt of India

888

Recd
27 Feb 1868

These immediate
 officers & stations within
 transactions between public
 sale prohibiting pecuniary
 Requests of person on the
 No 4552
 See 46 of the act

2/27/68
 18/18/68

Done
 2/27/68
 18/18/68
 No 382

Public 18/18/68

2/27/68
 18/18/68

It occurs to me on re-perusing
 the paper that our act ought
 to extend only to sales of personal
 property. We are asked whether we
 consider it necessary to modify a certain
 part of the act. That is to say
 and all such transactions are
 prohibited by this act. Why is
 not the general question on it - no
 doubt - has been in the President's
 mind. I am in
 the general question
 about the attention of the President
 N.

I intend that the following
 letter be addressed
 to the Govt of India.
 No 688.
 I am desirous to acknow-
 ledge the receipt of
 your letter No 382 -
 of 27th Feb/68
 and in reply to report
 that the rule prescribed
 as to transactions between
 public officers & natives

(4)

suggest
that the m^r of immovable
property to natives, provided
the whole is circumstances -

original cost & price paid in sale or sale if the house
are reported to Govt, is has been built by vendor
not open to mis construction. + I would require the
previous sanction Govt. in such cases.

I would prohibit the
private sale of immovables
but there would not seem
any objection to the sale
of them by public auction

Yes

Yes by A.

yes.

N

The course hitherto
taken is, I think the proper one.
That is, the sanction of Govt.
should be procured before any
sale takes place whether of
movable or immovable property.

Auction sales have become
familiar. Look at the sale in that
way of Mr. R. P. (followed) personal
property at Madras in 1865/66?
The only purchaser was the late
Mr. G. F. Forster who bought
many things for the Government the
value of the property, some about
Mr. Forster there was.

at all events, if an auction sale be
allowed, it ought to take place only
after the Civil Officer has become
completely disconnected from the
property. WD

yes. but we can't
prohibit auction. I think

N

in the Application No
4011. d 3 Dec. 1858.

I am to observe that
as regards the sale
of immovable property
the Govt. in Council
does no objection, to
such property being
sold by public officers
provided that a full
report of the circumstances
under which a public
officer wishes to ^{effect} ~~make~~
such a sale is made

20 March
R. H. Apple

14-8-08 ✓
23-8-10 ✓

the Govt; and forming in
the Public 1868 Departt.

As regards the
the movable property of public
affairs gutting a station, The Secy. to the Govt
of India
the Govt would allow
the sale by auction of
such property, the
previous sanction of
Govt being obtained.
the auction being
held. - Mr

Reporting in reply
to a letter from the Govt
of India, that the rules pre-
scribed as to sale trans-
actions between public
Officers and Natives have
been carefully observed in
the Madras Presidency -

Int. St. George.
18 April 1868.
6-11-68
1881/1868
126.127

cs. 1868
R 15