

(1) Number of pages 12
(2) Date of repair Jan 15 87
(3) Initials of the Referencer (C. V. S.)

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Public DEPARTMENT

G.O. No.	1517	Press.
B.P. No.		Mis.
Dated	12. 11. 1987	197

Do not

Not to be folded or roughly handled

6

1517
1

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

15th October 1881, No. 1406.

Sale of Property.

Read the following paper :—

Proceedings of the Government of India, Home Department (Public), dated Simla, 23rd September 1881, No. 1437 [Current No. 2066].

NOTIFICATION.

The following Resolution of the Foreign Department containing rules regarding the sale of property to Natives by British officers, whether Civil, Military or Uncovenanted, is republished for general information :—

Extract from the Proceedings of the Government of India in the Foreign Department, No. 1667, dated 30th September 1868.

RESOLUTION.—His Excellency the Viceroy and Governor-General in Council observes that these references originated with a case which occurred at Allahabad, where an officer wished to part with his house to a Native, under circumstances not open to any suspicion, and with a remark from the Home Department to the effect that some change or relaxation of the rule which prohibits the sale of property to Natives by public servants under any circumstances seemed desirable. At present, under the Notification of the 3rd of December 1858, drawn up in consequence of the orders of the late Court of Directors, sales of property to Natives are strictly prohibited, and officers are thereby directed to refer all transactions in regard to which they have any doubts for the orders of superior authority.

2. His Excellency in Council observes that the weight of authority on the part of the various Administrations and Departments which have lately been consulted on this subject is decidedly in favor of some modification of the existing rule, or, at least, of more clearly and accurately defining the course to be pursued in such cases. There can be no doubt that the restrictions imposed hitherto on such transactions have been, to a certain extent, beneficial, and that the Government of India, though it can place a full reliance on the fair dealing, honor, and integrity of its Civil and Military Services, has a right to expect, not only that all such transactions shall be correct and unimpeachable in themselves, but that they shall not run any risk of misconstruction at the hands of designing, ignorant or credulous persons.

3. The Government of India is also well aware, as pointed out by some of the high authorities consulted, that many officials who, on joining their stations, have become the owners of houses either under an absolute necessity, or from laudable motives of convenience and comfort, may, on quitting the district or province to which they have been for some time attached, literally find no purchasers for their property, except Natives of wealth or substance. When such transactions openly and avowedly take place, no evil consequences, His Excellency in Council thinks, need ever ensue under proper precautions.

4. The following rules have therefore been drawn up in supersession of the existing rule, and are hereby published for general information. They must be considered applicable to European public servants of all descriptions, Civil, Military, and Uncovenanted.

5. I.—Whenever a public servant wishes to dispose of a house, bungalow, elephant, horse or carriage, or other valuable property, to any Native within his jurisdiction, or within the limits of the district in which he is employed on the public service, and from which he is not about to remove, he must report his intention to the Local Government to which he is subordinate, stating the facts and circumstances and the price offered for the article to be sold. The Local Government will then pass such orders on the reference as may seem fit and proper.

II.—Whenever a public servant is about to quit his station or district permanently, or for a considerable period, and wishes to dispose of his house, bungalow, elephant, carriages and horses, and the like property of value, to Native purchasers, he shall report his intention to the Commissioner or the head local authority to which he may be immediately subordinate, and that authority will use its discretion in allowing the transaction, or in reporting the circumstance to the Local Government for further orders.

III.—Whenever a public servant, on quitting his station or district, wishes to dispose of his furniture, household goods, live stock, &c., he is at full liberty to do so either by circulating lists of such property amongst the community generally, or by having the same put up to public auction, without reference to any authority whatever. All that is necessary is that the transaction should be open and patent to everybody on the spot.

IV.—Rule No. I is to be considered applicable to purchases equally with sales.

6. The observance of the above rules will, His Excellency in Council thinks, fully meet the inconveniences and exigencies to which gentlemen of acknowledged honor and probity would be put on many occasions if debarred from such transactions; while, at the same time, they will be a sufficient safeguard against any abuse, any imputation of unfair or interested dealings, or any possibility of misconception on the part of the non-official community.

(Signed) A. MACKENZIE,
Offg. Secy. to the Govt. of India.

No. 44-1444.

Copy forwarded to all Departments of the Government of India, to Local Governments and Administrations, and to the Heads of Offices subordinate to the Home Department.

(Signed) F. C. DAUKES,
Under Secy. to the Govt. of India.

ORDER THEREON, 15th October 1881, No. 1406.

The notification will be republished in the *Fort St. George Gazette*, it being understood that the Board of Revenue is the authority in this Presidency which is to be referred to in cases falling under paragraph 5, Clause II.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Revenue Department.
„ Board of Revenue.

Exd. J. Wright.

1517
2

Govt. of 1881 Madras.

PUBLIC.

THE REVENUE DEPARTMENT.

&c., &c., &c.

Dated October, 15th.

Issued

Recd.

Recd.

G.O., 15th October 1881, No. 1406.

OCTOBER.

Sale of Property.—Notification of the Government of India regarding the sale of property to Natives by British Officers, ordered to be republished in the Fort St. George Gazette.

R.D.
3 NOV 81



157
9

Registry Post Office

Tumkur.

OCT 31.

1881.

Sir Mr Davidson.

We have to ask
the permission of
Govt to sell my Village
title to the Government
of Ellapattana. The
price is 600 R. I is
a private Village

Tenny Thurston with
lumber, cases, tools, books
etc. very complete.

He has done it for
Larr's list for 900 R.
He has allowed a
deduction of 15 percent
because I bought all his
promoters. Even then

I paid 765 R. for it,
I had introduced the sale
to an agent. In consequence
I want to know the
Purchaser & therefore

that it means to
ask the permission of
God? So far as I can as-
1512/4

-ertain the remainder is
only buying the article
because he wants it &
because the price is
low.

I am selling because
I have no time to use
it, and because my
stay here is uncertain.

At the same time the
God? We know that
the firm? is a very
large proprietor here

No.

From

1517
5

From J. F. Smith Esq

~~to~~ 31. Oct. 1881, requesting
permission to sell his bill
table to the zamindar of
Chempuram.

FOR ORDERS.

Mr. Smith has
been posted to the Godavari
Judgeship, and there would
therefore seem to be no
objection to the proposed
sale.

B. N. Order 12th Nov/81 No. 1517

The Govt. have no
objection to the
proposed sale.

For orders
J. F. Smith

To the dt. Judge,
Sincerely,
J. F. Smith

Desd 14/11

3/11/81

7/11/81

And is likely to have
cases in Court.
An early reply
will be much
appreciated.

Yours sincerely,
J. F. Smith

The Chief Secy
to Govt

157
6

Carl Lewis

DISPOSED OF

12 NOV 81

BY G. O. N. 1517 (Public)

(65)

~~FOR ORDER~~

Carl

ma/11 R7/11