

Revenue Department

No 18

Inter 5 — 1 — 1859

Fort Saint George, Revenue Consultation of 11th January 1859.

No. 7. Read the following letter from H. FORBES, Esq., Member of the Legislative Council; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George; dated Fort William, the 4th December 1858.

SIR,

I have the honor to enclose a copy of the bill for the better recovery of arrears of Revenue under Ryotwar settlements as it has been this day carried through a third reading by the Legislative Council and submitted for the approval of the Governor General.

The Government will observe that the alterations made by the Select Committee are in print, and that the manuscript changes are those which were made as the bill passed through a Committee of the whole Council.

The alteration made in the second Section by which the Government are prohibited from selling for arrears of Revenue the agricultural cattle and implements of defaulters was proposed in Committee of the whole Council by the Honorable Mr. Ricketts in connection with a proposition that standing crops should be included in the prohibition and it was then decided that the alteration should not be made.

On a motion for the third reading, however, the same Honorable Member moved that the bill should be re-committed, in order that that part of his former motion which referred to the sale of cattle and implements should be re-considered, and in opposing the motion on the ground of the inconvenience that would arise from the practice of bringing forward for re-discussion questions already voted upon and decided I was beaten on a division by eight to two.

The Honorable Member then moved his amendment, as it now appears in the copy of the bill which is enclosed, and carried it on a division by seven to two.

I opposed the motion on the ground that although cattle and implements of trade and agriculture were exempted from sale in Regulation XXVIII. of 1802, that law was passed, not for the realization of the Government dues but for the collection of arrears of rent due to Zemindars by their ryots, and that although it might be very necessary to prevent a Zemindar from impeding future cultivation by the sale of agricultural stock, the same necessity did not exist in the case of the Government officers who might safely be entrusted with a discretion to sell, or to forbear to sell, according as they might deem it advisable. I further brought to the notice of the Council that on the Honorable Member for Bombay bringing a motion before the Committee on the Code of Civil Procedure to exempt all agricultural cattle and implements of trade from sale for private debt, the Committee rejected the motion, and I endeavoured to argue that it was not reasonable to place the Government, in the collection of their revenue, in a worse position than the ordinary creditor was placed in the realization of debts due to him.

As the alteration made in the bill has only left the law as it was before this bill was drafted, I have not considered that the Government would wish that its third reading should be delayed pending a reference to them on this point; and I therefore proceeded with the bill and carried it through a third reading.

No. 8. ORDER THEREON, No. 18; dated 5th January 1859.

Ordered that the above letter and the bill accompanying it be forwarded to the Board of Revenue, with reference to their Proceedings dated 4th October 1858, No. 3721.

(Signed) W. H. BAYLEY,
Acting Secretary to Government.

24
Remarks of the Honorable Mr. Morehead
on the amended Bill for the better
recovery of arrears of Revenue under
Ryotwar Settlements in the Madras
Presidency.

Opposite to Manuscript words
"but no person ~~yes~~" in Sec. ~~XXIV~~.

This seems to me harsh
it has been ruled that Defaulters can
be released by the Courts under Sec. ~~XX~~
Reg. II of 1811 this seems but just,
why punish people for what may
have been no fault of theirs.

[Sig.] W. M.

R. C. C. 11. 8. 1855 (11.35.36)
12. 12. 1855 (12.39.30)

W. B. L. L.

11/1/7

18748

221 Dec 1853 - Jan 1854

Revenue 1858 Sept 18
Do to Com 11th June 1859.

1858

From J. R. Stokes Esq
Member of the regular
two Council.

Butler 11th Dec 1858
Dec 13 1858
1. Sub.

Submitting a copy
of the Bill for the better
recovery of arrears of
Revenue under Regt.
was settlements in
this Revenue.

William Procter
1858. 5th January 1859.

1858

Ordered that the
letter and the Bill account
forwarded to the Board of Revenue
with reference to their pro-
ceedings dated 11th October
1858 No. 3921.

1858-6000
5th Jan 1859.
3 Copies to the Board of Revenue
with Bill.

1858