M.R.O. 14—10,000—31-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2299 Press Mis.

25-26

Dated 4-12-1860.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 4th December 1860.

No. 25. Read the following letter from W. GREY, Esq., Secretary to the Government of India, Home Department (Revenue), to J. D. BOURDILLON, Esq., Secretary to the Government of Fort Saint George, dated Fort William, 1st November 1860, No. 2,484:—

SIR,

Referring to the resolution of the Government of India, dated the 1st of August, I am directed by the Governor General in Council to forward for the information of His Excellency the Governor in Council, the accompanying printed copy of a Despatch addressed to the Secretary of State under date the 25th ultimo.

HOME DEPARTMENT.

REVENUE.

To the Right Honorable Sir CHARLES WOOD, Bart., G.C.B., Secretary of State for India, dated Fort William, 25th October 1860, No. 37:—

SIR,

1. With reference to your Despatch, No. 36, dated the 24th of July, declining to sanction any relaxation of the rule which prohibits Officers in the Public Service from holding land for Agricultural purposes in India, we have the honor to transmit the accompanying copy of a letter* from Captain A. Ellis of the 31st Light Infantry, representing the effect of the order in his case.

* *Extract Military Department, No. 54, dated 1st October* 1860.

2. You are aware that Captain Ellis, who is a Regimental Officer holding no Civil or other detached employment, was informed in March last, in reply to his enquiry on the subject, that there was no objection to his holding land in Kumaon for the cultivation of Tea; and the object of his present letter is to represent that, on the faith of that assurance, he has made arrangements which could not now be suspended without injury to himself and others. The assurance was given to Captain Ellis, because there was, in fact, no prohibition extant against Military Officers *not in Civil employ* acquiring lands in India by purchase or otherwise, and the Commander-in-Chief (Lord Clyde) saw no objection to such Officers holding lands for the purpose of Tea cultivation. The recommendation which we submitted for your consideration in our Despatch No. 6, dated the 2nd of April, was, that Military Officers in Civil employ, and Civil Officers, should likewise be permitted to hold lands, but under certain restrictions.

3. In reply to our recommendation you observe in your Despatch of the 24th of July, that you consider it inexpedient that Officers in the Public Service, whether Civil or Military, should be permitted to engage in pursuits by which their time and attention would be diverted from their proper duties, to which their entire energies should be devoted, and you state that you are therefore "unable to sanction *the relaxation* of the rules" recommended by us, and you desire "that it may be clearly understood that no Officer, so long as he remains in the actual "service of the Government, can be permitted to acquire and hold lands for Agricultural "purposes in any part of India."

4. The definite expression of opinion conveyed in the passage last quoted applies without exception to all Officers, Civil and Military, in the service of Government, and prevents us from placing on the prohibition that limited construction which the expressions used in the former part of the sentence, taken by themselves, would justify. At the same time, we can hardly suppose that it was your intention to make the rules on the subject of the holding of lands by Government Servants more stringent than before, and to prohibit, now for the first time, Military Officers *not* in Civil employ, (like Captain Ellis,) from holding lands in India. Military Officers, as such, have never been prohibited from holding lands. We apprehend therefore that, in your Despatch of the 24th of July, you merely intended to negative our proposal in favor of Civil Officers, and of Military Officers in Civil employ, though the terms of the Despatch are so wide as to include all Military Officers.

5. You will observe from the reports of the Punjab Government noted in the margin, a copy of which is herewith sent, that Captain Ellis is not the only Officer who has acquired lands for the purpose of cultivating Tea, and we believe that there are others, similarly circumstanced, besides those whose names are to be found in the Punjab reports.

From Secretary to Government of Punjab, No. 567, *dated 9th August*, 1860, *and enclosures.*
From Secretary to Government of Punjab, No. 592, *dated* 17*th August* 1860.

6. In submitting these reports, together with Captain Ellis' letter, for your consideration, we beg to convey to you our earnest recommendation that neither he nor any of the other Officers who have taken lands in the Punjab or elsewhere for the purpose of cultivating Tea, or otherwise, should be interfered with. It is our decided opinion that the acquisition of waste lands by the European Officers of Government, especially those to whom the objection stated in your Despatch does not apply, should be encouraged, both on grounds of general policy and for the sake of reconciling Officers to service in India, and of attaching them to the country.

7. The reason assigned in your Despatch for refusing to allow Officers to hold lands in India is, "that it is inexpedient that they should be permitted to engage in pursuits by "which their time and attention would be diverted from their proper duties, to which their entire "energies should be devoted." But it is well known that the ordinary Military duties of an Officer in India are far from sufficient to occupy the whole of his time, and that want of occupation and consequent temptation to idleness and dissipation on the part of its Officers are very injurious to an Army. Therefore, we think, that to furnish such occupation, and at the same time to invite the partially employed Regimental Officers of India to interest themselves in the improvement of the Agricultural resources of the country, so far from being objectionable, is an object of high importance in every point of view. It is, of course, to be understood, that the possession of land in India would not give to an Officer any title to longer or more frequent absence from his Military duties than he would have if he possessed no land.

8. Pending the result of this reference, we do not think it right to require Captain Ellis and others situated like him to dispose of their lands.

9. In connection with this subject we desire to draw attention to the communications noted in the margin, a copy of which is forwarded. Hitherto it has been a generally understood rule that Uncovenanted Judicial Officers, and Uncovenanted Officers exercising independent Revenue or Magisterial functions, shall not hold landed property in the Districts in which they are employed, but beyond this there has been no restriction upon the possession or acquisition of land by such Officers. We do not for a moment imagine that it was intended to include this class of Public Servants in the general prohibition against the possession of land contained in your Despatch under acknowledgment, for it would be manifestly impolitic to close the paid service of the State against those Natives of the country whose best interests are bound up in the preservation of tranquility and good order, and any distinction between Natives and Europeans in this respect is out of the question.

Telegram from Commissioner of Mysore, dated 10*th October.*
Telegram to Commissioner of Mysore, dated 13*th October.*

10. But the Uncovenanted Service now comprises a large number of English and of Anglo-Indians, several of whom hold offices of great trust and importance, and the question presents itself whether these Officers, in all branches of the Public Service, are to be subject to the absolute and general prohibition against the acquisition of landed property in India which is contained in your Despatch under acknowledgment, and which, in its terms, clearly includes the case of such Officers. The objections which you consider to exist to the acquisi-

India by Military and Civil Servants of the Government are equally applicable to Uncovenanted Officers holding such appointments as those named in the margin, and to many others, and we therefore think it advisable to request your further consideration of the whole question, in order that some clear rule may be laid down, defining with precision, first, what classes of Public Servants may possess and acquire lands in India, and under what conditions, and, secondly, what classes of Public Servants, if any, are to be absolutely precluded from acquiring or possessing land.

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1 the fullest consideration of the subject, we remain of opinion that, as regards ovenanted Civil Officers, the restrictions which we proposed in our Despatch of last, No. 6, would be found sufficient to prevent the possibility of any ill con- ng from the circumstance of Servants of the State being at the same time owners with respect to Uncovenanted Civil Officers, we do not consider that it is pose any other restriction than that which has hitherto been in force.

(Signed) CANNING.
" H. B. E. FRERE.
" CECIL BEADON.

ORDER THEREON, 4th December 1860, No. 2,299.

Ordered to be recorded.

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

Extra Official

No. 2484

From

W. Grey Esqr

Secy to the Govt of India

To

J. D. Bourdillon Esqr

Secy to the Govt of

Fort St George

Dated Fort William the 1st Nov. 1860

Genl Dept. Sir,

Referring to the Resolution of the Govt of India dated the 1st of August, I am directed by the Governor General in Council to forward for the information of His Excellency the Governor in Council, the accompanying printed copy of a despatch addressed to the Secretary of State under date the 25th Ultimo.

I have the honor to be,

Sir

Your most Obed Servt

Secy to the Govt of India

20-8-08 3/11/09

16-1-13 I

4-11-14 B I

29-9-15 B I

2-9-21 B II

8-3-12 B. II

Revenue 1860 Report.
Proc. of Govt for Dec.

No. 2580.

From the Secretary to the Govt of India -

Dated 1st November 18.

Recd 13.

1 Encl. Forwards copy of a despatch to the Secretary of State requesting further consideration of the whole question regarding officers in the Public Service holding lands in India for agricultural purposes -

No 2299

Recorded

4 Dec. 1860

R 17th Jany 1860 at 52-58.
Pub 1st June " at 17-18
Rev 22nd June " at 251-252
Pub 9 Augt " at 86-87.
Rev 7 Nov " at 106-107.

No 2586.

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