M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2289 Press ~~Mis.~~

89-90

Dated 6-12 1861.

Not to be folded or roughly handled

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue, dated 5th November 1861, No. 6,050 :—

Read the following letter from B. CUNLIFFE, Esq., Collector of Madras, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Nagalapuram, 5th October 1861, No. 345.

SIR,

1. With reference to the Board's Proceedings, 9th September 1861, No. 5,087, I beg leave to support the correctness of my conclusions, which are declared by the Board in Proceedings 8th and 9th to be erroneous.

2. With regard to the first point, the proposed enactment was intended to allow of the right of re-entry to all lands "except those now held under Certificate" (present Proceedings paragraph 3); this would bring those old grants, which are so constantly exchanged for new form Certificates, under its operation, and being applicable to future Certificates, would not be liable to the objection of *ex-post facto* legislation.

3. With respect to the second point, it is not the old form grantee who requests a title, as he will be satisfied with that which he already possesses, but, as stated in my letter (paragraph 5) it is the purchaser of a portion of the old grant who will require a title, and "who must "receive a new form of certificate for the extent which he has procured," for no other form of title is under the orders of Government now issued.

4. I trust that I shall not be supposed to criticize the Board's Proceedings in stating that the Government cannot legally issue the form of certificate recommended in paragraphs 10 and 11. The Law allows of the distraint and sale of personal property, only for arrears of revenue in Madras in all future titles, and the Government cannot impose more stringent conditions. It was for this reason that the Board proposed in March 1860, to apply for an Act giving the Government power over the land in future leases.

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1. The Board are unable to see the force of the Collector's arguments, for the proposed Act could certainly not have affected the lands held under the old form of certificate, or as the Collector now terms them "old grants," for they, equally with the new form certificates, are contracts between Government and the parties concerned, nor could portions of such lands disposed of by gift, sale, or otherwise, have been brought under the proposed enactment as they would still be entitled to the advantages of the original title on which the land was held.

2. It also appears to the Board, as stated in the Proceedings under remark by the Collector, that Government may for the future issue certificates in any form they please to those persons who choose to apply for such titles, and they are at a loss to perceive why because Act XII of 1851 only authorizes the sales of personal property for the recovery of arrears, the form of certificate proposed by the Board would be illegal. As, however, the proposal has been forwarded to the Government Pleader for his opinion* they will not discuss it further.

* Board's Proceedings dated 22nd October 1861.

(A true Copy and Extract.)

(Signed) R. A. DALYELL, *Sub-Secretary.*

ORDER THEREON, 10th December 1861, No. 2,289.

Ordered to be recorded.

(True Extract.)

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

No. 6,050.

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(A true Copy and Extract.)

Sub-Secretary.

To B. Cunliffe, Esq., Collector of Madras.

Copy to J. D. Sim, Esq., Secretary to Government, R. D., with reference to G. O. dated 14th October 1861, No. 1,976.

„ C. Dale, Esq., Government Pleader, with reference to Board's Proceedings, dated 22nd October 1861.

Exd. J. Wright.

Revenue 1861 Department.

Pro: of Govt for December

No. 2639.

PROCEEDINGS OF THE BOARD OF REVENUE.

Dated 5th November 1861.

No. 6,050.

Passing certain remarks on a letter from the Collector of Madras bearing on the proposed legislative enactment regarding the grant of new Certificates to certain land owners.

RECORDED.