M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2109 Press
523-524 Mis.

Dated 27. 9. 186-

Not to be folded or roughly handled.

Proceedings of the Madras Government, Revenue Department, 27th September 1862.

No. 523. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India, Home Department, to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to the Government of Fort Saint George, dated Fort William, the 9th September 1862, No. 4,881A :—

SIR,

1. In the last clause of paragraph 12 of my letter No. 4,206, dated the 15th ultimo, it was intimated that as legislation would be necessary to give legal effect to the provisions of paragraph 19 of the Resolution of the Government of India, dated the 17th October 1861, a Bill for that object would be introduced on the meeting of the Council of the Governor General for Legislative purposes. And in paragraph 56 of the Resolution of October 1861 it was declared that, "with a view to secure the Government and the public creditor against any loss of existing "sources of Government income, provision would be made by law that all sums paid in purchase "of waste lands, or in redemption of land revenue, or in otherwise forestalling the land revenue, "should be paid to Commissioners, and periodically invested in such manner as the law might "direct, that the Commissioners would report annually to Government the total amount they had "received and invested, and the Districts from which it had been received, and that their Reports "would be published."

2. I am now directed by the Governor General in Council to transmit to you the accompanying draft of a Bill which has been prepared to carry out both the above objects, and to invite an expression of opinion on its provisions, and any suggestion for its improvement which the Government of Fort Saint George may think proper to make.

3. The several provisions of the draft Bill, I am to observe, appear sufficiently to explain the manner in which it is proposed to accomplish the objects contemplated by the Bill. As regards the first of those objects, namely, the adjudication of claims to any waste lands ordered to be sold under the orders of the Government of India, dated the 15th ultimo, No. 4,206, and the despatch from the Secretary of State, a copy of which was circulated with those orders, it is sufficient to remark that the Bill will afford ample time to all persons who have any such claims to prefer, to bring forward the same, and will secure to them a full enquiry into their claims, and a speedy decision thereon by competent Officers; while in what may be expected to be the very rare case of a person who may have been prevented by any sufficient cause from preferring his claim to the proper Officer within the time allowed, provision is made for such person receiving, by way of compensation, on proof of his claim, the market value of the land claimed, as indicated by the price which it brought at public auction.

4. To permit such claims to lie dormant for the period of 12 years, the term fixed by the Law of limitation, or to allow of the reversal of a sale actually made, would obviously deter purchasers from coming forward and investing their money in land on a title open to contest, and thus the object of the Government in offering waste lands for sale would be defeated, and the interests of the public would suffer. The case of these lands is, obviously, altogether exceptional, and may be properly treated as such.

5. Passing on to the second object which the Bill has in view, viz., to provide for the investment in Government Securities of the proceeds arising from the sale of waste and other Government lands, and from the redemption of land revenue, it will be seen that it is proposed to except from the operation of this part of the Bill lands belonging to Government within the limits of any town, and also lands taken by Government for any public purpose, or for any purpose of public utility for which land may be taken by order of Government under any law for the time being in force.

6. In the town of Calcutta the Government is the proprietor of several parcels of land which are intended for the sites of public buildings. It may hereafter be found desirable not to build upon these sites, but to sell the land, and with the sale proceeds to purchase other sites. The money realized by the sale of the present sites would not, however, be available for the purchase of new sites if the Sections of the Bill above referred to were not restricted in their application as proposed.

7. In the town of Rangoon, again, there is still a large quantity of land, the property of Government, remaining unsold; but provision has already been made for the sale proceeds of this land, whenever it may be disposed of, being applied to the construction of public works within the town of Rangoon. This provision could not be carried out if the land to which it applies were not excepted from the operation of the Sections in question.

8. As regards land taken for public purposes, or by an order of Government under any law for the time being in force, for works of public utility, such as tramways, canals, and other works of the like character, which private individuals or Companies may undertake to construct, it may happen that the land is not required, or that it may cease to be required for the purpose for which it was taken, and there seems no reason why the Government should not be allowed to dispose of any land so circumstanced, and with the sale proceeds buy other land required for any public purpose or any work of public utility. This, however, could not be done without a provision such as is contained in the last Section but one of the Bill. Much of the land to which that Section is intended to apply will have been purchased out of the current revenues or income of the country.

9. I am particularly desired to request that you will be good enough to move His Excellency in Council to reply to this reference at his earliest convenience, for it is obviously desirable that the Bill should pass into Law with as little delay as possible after the Council of the Governor General next meets for Legislative purposes, as it probably will within a few weeks from this date.

No. 524.

ORDER THEREON, 27th September 1862, No. 2,109.

Referred to the Board of Revenue with two copies of the Bill for any remarks they may have to make. Their particular attention will be drawn to the concluding paragraph of this letter with a request that their report may be submitted as soon as possible.

(Signed) T. PYCROFT,
Chief Secretary.

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I have the honor to be,
SIR,
Your most obedient Servant,

Secy. to the Govt. of India.

Rec'd 27 Sept 1862. 2109

Colombus 62
12 462-462 & 463

14/10/62
16-6-63

15-6-93

No 523 & 524.

Revenue Dep.t
Dr. of Port for Exts.
N. 2740

From the Sec.y to
the Govt. of India

Calcutta 9 Aug.t
Recd 20 " } 1862
From Dr 2879 & Enclos.
Enclos. Rec.d N.o 4881 a
3 October 62 Dr 2756.

No 2109-27 Sept 62

Transmitting a Bill to provide for the adjudication of claims to waste lands and for the improvement of the precedure for sales of such lands, and of other Govt. lands, & from the Reduction of Land Revenue, &c. with other expressions of opinion on the provisions of any suggestions for improvement which may appear desirable.

With two orders

c 27 Sept 62 resp.

No 2109

Referred to the Board of Revenue with two copies of the Bill for any remarks they may have to make. Their particular attention will be drawn to the concluding para of this letter with a request that their report may be submitted as soon as possible.

Lord St. Georges
27 Sept 62

Board of Revenue Dis.d 27 Sept 62
with 2 Copies of the Bill