M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 216 Press ~~Mis.~~

167-108

Dated 6. 2- ~~19~~ 1864

Not to be folded or roughly handled

No. 107. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India (Revenue), to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 9th December 1863, No. 82:—

SIR,

1. I have had under my consideration in Council the letter from your Excellency in Council, dated the 5th October last, No. 105, in which you furnish, in reply to my Despatch of the 8th August last (No. 46), a statement of the reasons which led you to provide, by Rule XI of the General Rules for the sale of unassessed waste lands that, "if, after survey, at the request of an "applicant, it should prove that the lands are not saleable under these Rules, the applicant "must still pay the expense of surveying them" and you enquire whether, under the explanation furnished, it is still my desire that the Rule should be altered.

2. You observe that the object of the Rule is to guard Government from loss in cases where claims to the land applied for are not apparent *at first*, and that a "formal enquiry into the "existence of claims to the land" previously to the issue of the advertisement would involve an amount of delay of which the applicant would be sure to complain. You add that "the Rule "in fact only compels an applicant to exercise reasonable caution, and not apply at hazard for "land belonging to others."

3. It appears to me, however, that at least as much reasonable caution should be exercised by the Collector before he allows the expense of a survey to be incurred, and that that functionary has at his disposal more ample means than the applicant can possess of ascertaining through the District Officers, whether it is likely that any claims will be put forward to the land, without going into the formal enquiry which would be requisite to determine whether these claims were tenable. It would doubtless be felt as a grievance by an applicant that he should be required to pay the expense of a survey from which he had derived no benefit, in cases where he had no reason to suspect the existence of any claimant to the land. Where the Collector shall, after a preliminary enquiry, see reason to believe that claims will be put forward, and shall have duly warned the applicant that the survey will be undertaken only on his request and at his risk, there will of course be no want of equity in requiring him to defray the expense I think therefore the Rule should be so modified as to render it incumbent on the Collector, when he receives an application, and has reason to think that the land may turn out not to be at the disposal of Government, to warn the applicant thereof; should the applicant prefer that the survey should be proceeded with, the principle of the present Rule should then apply, and the survey be at the applicant's expense. But if no such warning is given, then the survey should be at the expense of Government.

No. 108. ORDER THEREON, 4th February 1864, No. 216.

1. Ordered to be communicated to the Board of Revenue for their information and guidance, with reference to paragraph 2 of the Proceedings of Government, dated 5th October 1863, No. 1,818.

2. Ordered, also, that agreeably to the instructions contained in the above Despatch the following Rule be substituted for Clause XI of the General Rules for the sale of unassessed waste lands in the Presidency as well as of the special Rules for the sale of waste lands on the Neilgherry and Shervaroy Hills, and in the Wynád Talook of Malabar, and published for general information:—

"On receipt of applications for lands under these Rules, the Collector will hold a pre- "liminary enquiry, and if he sees reason to believe that claims will be put forward for the lands "applied for, he will duly warn the applicant that the survey will be undertaken only at his "request and at his risk. Should the applicant prefer that the survey should be proceeded with

Proceedings of the Madras Government, Revenue Department;
4th February 1864.

" on these terms, the same will be done, and if after the survey it should prove that the lands are " not saleable under these Rules, the applicant must pay the expense of surveying them, as well " as of surveying any excess beyond the limits prescribed in Rule III. If no such warning be " given and the land should eventually prove not to be saleable, then the survey will be at the " expense of Government. An applicant withdrawing his application prior to the sale of the " land will be entitled to the refund of so much only of his deposit under Rule VI as may not " be expended."

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

Revenue Department

No. 216.

Proceedings of the Madras Govt
under date the 4th January 1864.

Read the follow-
ing despatch from
the Right Honorable
the Secy of State for
India.-

Desiring that
the General Rule XI for
the sale of Unassessed
Waste land should be
so modified as to render
it incumbent on the Collr
that when application
is received for land to
warn the applicant that
the survey thereof will be
undertaken only on his
request and at his risk;
and should the applicant
prefer that the survey
should be proceeded with,
then to apply the principle
of the present rule.-

(Here enter 9th
Dec 1863, No 82.)

Ordered to be
communicated to the
Board of Revenue
for

for their information and guidance, with reference to para 2 of the Proceedings of Govt dated 5th October 1803, Ro 1,818.-

"Ordered also that agreeably to the instructions contained in the above despatch the following Rule be substituted for clause XI of the General Rules for the sale of unassessed waste lands in the Presidency as well as of the Special Rules for the sale of waste lands on the Neilgherry and Shevaroy Hills and in the Wynaad Taluk of Malabar, and published for general information.-

"On receipt of applications for lands-

"under these rules, the
"Collector will hold
"a preliminary enquiry
"and if he sees reason
"to believe that claims
"will be put forward
"for the lands applied
"for he will duly warn
"the applicant that the
"survey will be under-
"taken only at his re-
"quest and at his risk.-
"Should the applicant
"prefer that the survey
"should be proceeded
"with on these terms
"the same will
"be done and if after
"the survey it should
"prove that the lands
"are not saleable un-
"der these Rules, the ap-
"plicant must pay the
"expense of surveying
"them as well as of re-
"surveying any excess
"beyond the limits
"prescribed in Rule III
"An

① "If no such warning be given and the land should eventually prove not to be saleable" then the survey will be at the expence of Govt

"an applicant with-
"drawing his appli-
"cation prior to the
"sale of the land will
"be entitled to the re-
"funds of so much only
"of his deposit under
"Rule VI as may not
"be expended."

10/1/61

14 Geo. Settlers Bonds Act 1861
Rule