

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2280-2281	Press Mis.
	450.452	
Dated	22-9-1865.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
22^d September 1865.*

No. 450. *Read the following Extract from the Proceedings of the Government of India in the Home Department (Revenue), Simla, under date the 17th August 1865, No. 1,113.*

Read again the following papers relating to the transfer of villages between the Governments of the North-Western Provinces and the Punjab :—

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| Revenue Proceedings,
12th February 1863,
Nos. 1 and 2. | 1. From Officiating Secretary to Government, North-Western Provinces, No. 1,447A., dated 27th December 1862. |
| | 2. To Officiating Secretary to Government, North-Western Provinces, No. 1,041, dated 12th February 1863. |
| Revenue Proceedings,
21st March 1863,
Nos. 1 to 3. | 3. From Officiating Secretary to Government, North-Western Provinces, No. 301A., dated 28th February 1863, and enclosure. |
| | 4. To Officiating Secretary to Government, North-Western Provinces, and to the Foreign Department, Nos. 1,865—66, dated 21st March 1863. |
| Revenue Proceedings,
16th June 1863,
Nos. 1 to 4. | 5. From Officiating Secretary to Government, North-Western Provinces, No. 487A., dated 13th April 1863, and enclosures. |
| | 6. To Officiating Secretary to Government, North-Western Provinces, and to Foreign Department, Nos. 3,824—25, dated 16th June 1863. |
| Revenue Proceedings,
11th November 1864,
Nos. 15 to 17, and
Nos. 20 to 22. | 7. From the Foreign Department, No. 984, dated 3rd July 1863. |
| | 8. From Secretary to Government, North-Western Provinces, No. 1,152A., dated 6th October 1863. |
| | 9. To Secretary to Government of Punjab (Office Memorandum), No. 6,848, dated 30th October 1863. |
| | 10. From Secretary to Government, Punjab, No. 703, dated 23rd July 1864, and enclosure. |
| | 11. From Secretary to Government, Punjab, No. 1,010, dated 31st October 1864. |
| | 12. Revenue Despatch to the Secretary of State, No. 19 of 1864, dated 11th November. |
| | 13. The Secretary of State's reply, Legislative Despatch No. 23 of 1865, dated 25th May, and the Act of Parliament therein enclosed, XXVIII. Vic., Cap. 17, intituled "An Act to enlarge the powers of the Governor General of India in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the territorial limits of the several Presidencies and Lieutenant-Governorships in India." |

RESOLUTION.—In the year 1855 the Chief Commissioner of the Punjab and the Lieutenant Governor of the North-Western Provinces came to the conclusion that some principle ought to be laid down for the disposal of inter-territorial questions arising out of changes in the courses of rivers, and the following rule was accordingly mutually determined upon :—

"When an estate, or the greater part of it, together with the village site, is transferred from one bank of river to the other, then the jurisdiction of all kinds passes to the authorities of the bank whither the village has gone. But if a part only, and that the lesser part, has been transferred, then the jurisdiction over such out-lying part is not changed, but continues in all respects to pertain to the authorities to whom the parent estate belongs."

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2. Since 1855 several transfers were effected under the terms of this agreement, and it was not until about the end of the year 1862, that the legality of the proceeding was doubted by the Government of the North-Western Provinces.

3. On the 27th December 1862, the Lieutenant-Governor, "in conformity with the provisions of Act XXI. of 1836," reported, for the confirmation of the Governor General in Council, that His Honor, in concurrence with the Punjab Government, had sanctioned the transfer of certain villages from Pergunnah Bidoulee in Zillah Mozuffurnuggur to the District of Kurnal under the Government of the Punjab, owing to a change in the course of the river Jumna.

4. In reply it was pointed out to His Honor that Act XXI. of 1836 gave no power to Lieutenant-Governors to alter the limits of existing Zillahs, much less to transfer territory under the government of one Lieutenant-Governor to the government of another Lieutenant-Governor; and that such transfers, or alterations of the limits of Zillahs, were within the competency of the Governor General in Council alone.

5. In the correspondence that ensued, it was discovered that transfers of territory between the two administrations had already taken place under the terms of the agreement above noticed, and the Governments of the North-Western Provinces and the Punjab were requested, on the 21st March 1863, to submit lists of all such transfers. These lists were received in due course.

6. The transfers from the North-Western Provinces to the Punjab, were as follows:—

Names of Villages.	Transferred from	Transferred to
Nugla Megha	The Mozuffurnuggur District in the North-Western Provinces.	The District of Kurnal in the Punjab.
Russolpore, Moheooddeenpore		
Choondeepore		
Duburkee		
Nulwee		
Nusseerpore	The Boolundshuhur District in the North-Western Provinces.	The District of Delhi in the Punjab.
Bhikooka		
Wuleepore		

7. The transfers from the Punjab to the North-Western Provinces, were as follows:—

Names of Villages.	Transferred from	Transferred to
Attah... ..	The Delhi District in the Punjab.	The District of Boolundshuhur in the North-Western Provinces.
Ameerpore... ..		
Bela Khoord		
Dalalpore		
Bela Kullan		

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22nd September 1865.*

8. Subsequently, however, to the intimation made to the Lieutenant-Governor of the North-Western Provinces, that the transfer of villages from his jurisdiction to that of the Lieutenant-Governor of the Punjab was within the competency of the Governor General in Council alone, the attention of the Government of India was drawn to the provisions of the Statute XVI. and XVII. Vic. Cap. 95, Section 18,* which vests the power of altering the limits of Presidencies and Lieutenant-Governorships in the Home Government.

9. The Government of India accordingly addressed the Secretary of State in the following terms, after a brief statement of the case:—

"It appears to be a question whether, under this Statute, the Government of India has the power to sanction even the most trifling re-arrangement of the limits of the Presidencies or Lieutenant-Governorships which may, from time to time, become necessary. We believe, however, that the law was meant only to provide for substantial alterations, and that it was not contemplated that it should embrace petty transfers of territory required only for the rectification of boundaries.

"Her Majesty's Government will perhaps take the opinion of the law Officers of the Crown on this subject; and in the event of their advising that the law is conclusive as to the inability of the Government of India to act of its own authority, even in such cases as those referred to in the correspondence now forwarded, we would suggest that the first opportunity should be taken to give the Government of India such power."

10. The Secretary of State's reply has now been received. It communicates an Act of Parliament, XXVIII, Vic. Cap. 17, which has been passed with reference to the representations made to Her Majesty's Government by the Government of India.

11. The 3rd Section of the Act repeals the 18th Section of the Statute XVI. and XVII. Vic. Cap. 95.

12. The 4th Section empowers the Governor General in Council to appoint by Proclamation the territorial limits of Presidencies and Lieutenant-Governorships.

13. The 5th Section vests in Her Majesty's Government the power to disallow any such Proclamation, and further requires that the previous sanction of Her Majesty shall be obtained to the transfer by the Governor General in Council of an entire Zillah or District from one Presidency to another, or from one Lieutenant-Governorship to another.

14. The Secretary of State in the 4th paragraph of the Despatch with which he transmits the above Act of Parliament, confirms the several transfers of villages mentioned in paragraphs 6 and 7 of this Resolution, and adds—"should there be any others of the same character of a date prior to the passing of the Act now forwarded, you are requested to report them for the orders of Her Majesty's Go-

* "It shall be lawful for the said Court of Directors, under such direction and control as aforesaid, from time to time, to declare and appoint what part or parts of the territories for the time being subject to the government of the said Company shall be or continue subject to each of the Presidencies and Lieutenant-Governorships for the time being subsisting in such territories, and to make such distribution and arrangement, or new distribution and arrangement, of such territories into or among such Presidencies and Lieutenant-Governorships as to the said Court of Directors, under such direction and control as aforesaid, may seem expedient."

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22nd September 1865.*

"vernment." The Governor General in Council accordingly requests that a report may be submitted by each Local Government shewing the several transfers of territory, if any, that have taken place between the enactment of the Statute XVI. and XVII. Vic. Cap. 95, Section 18 (20th August 1853), and the enactment of the present law, XXVIII. Vic., Cap. 17 (9th May 1865), the date of the transfer being noted in each case.

15. The Act XXVIII. Vic. Cap. 17, was published for general information in the *Gazette of India* of the 12th instant, under the orders of the Governor General in Council.

16. His Excellency in Council directs that, in conformity with the 4th Section of the Act, the several transfers of villages mentioned in paragraphs 6 and 7 of this Resolution, be duly proclaimed.

No. 1,116.

ORDERED that copies of this Resolution, with copies of the Secretary of State's Despatch and the Act of Parliament, be sent to the Governments of the North-Western Provinces and the Punjab, with reference to the correspondence cited at the commencement of the Resolution, and with a request that the information indicated in paragraph 14 may be furnished.

Government, Fort Saint George.
Ditto. Bombay.
Ditto. Bengal.

Ordered that copies of the Resolution, Despatch, and Act of Parliament be sent to the Governments noted on the margin, with a similar request.

(A True Extract).

(Signed) E. C. BAYLEY,
Secretary to the Government of India.

No. 451.

ORDER THEREON, 22nd September 1865, No. 2,280.

Miscellaneous.

Communicated, together with copy of the following letter to the Government of India, to the Board of Revenue for information.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Board of Revenue.

Exd. T. O'Connor.

REVENUE DEPARTMENT.
FORT SAINT GEORGE,
22nd September 1865.

No. 452.

No. 2,281.

From

W. HUDLESTON, Esq.,
Acting Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

Miscellaneous.

With reference to your Endorsement No. 1,116 on the Proceedings of the Government of India, in the Home Department (Revenue), dated 17th August 1865, No. 1,113, I am directed to state that the only case of a transfer of territory from this to another Presidency, which has taken place between the periods specified in paragraph 14 of the Proceedings above quoted, is that of the North Canara District, which, with the exception of the

*From Government of India, Home Department,
to Madras Government, 16th April 1862,
No. 1,961.

Cundapoor Talook, was transferred to the Bombay Presidency from* 16th April 1862.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) W. HUDLESTON,
Acting Secretary to Government.

Exd. S. T. Augustin.



ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. XVII.

An Act to enlarge the Powers of the Governor General of *India* in Council at Meetings for making Laws and Regulations, and to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in *India* [9th May 1865.]

WHEREAS by an Act passed in the Session holden in the Twenty-fourth and twenty-fifth Years of the Reign of Her present Majesty, Chapter Sixty-seven, it was, among other things, enacted, that the Governor General of *India* in Council shall have Power, at Meetings for the Purpose of making Laws and Regulations, to make Laws and Regulations for all Persons, whether *British* or Native, Foreigners or others, within the *Indian* Territories under the Dominion of Her Majesty, and for all Servants of the Government of *India* within the Dominions of Princes and States in alliance with Her Majesty: And whereas it is expedient to enlarge the said Power by authorizing the Governor General of *India* in Council to make Laws and Regulations for all *British* Subjects of Her Majesty within the Dominions of such Princes and States: Be it enacted by the Queen's most Excellent Majesty, by and with

24 & 25 Vict.
c. 67.

28° VICTORIAE, CAP. 17.

East India (Governor General's Powers, &c.)

the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Governor General to make Laws for all British Subjects, whether in Service of Government of India or otherwise.

1. The Governor General of *India* shall have Power, at Meetings for the Purpose of making Laws and Regulations, to make Laws and Regulations for all *British* Subjects of Her Majesty within the Dominions of Princes and States in *India* in alliance with Her Majesty, whether in the Service of the Government of *India* or otherwise.

Preceding Section to be read as Part of Section 22 of recited Act.

2. The preceding Section shall be read with and taken as Part of Section Twenty-two of the said Act of the Twenty-fourth and Twenty-fifth Year of Her Majesty, Chapter Sixty-seven.

Section 18 of 16 and 17 Vict. c. 95 repealed.

3. And whereas it is expedient to amend the Law respecting the Territorial Limits of the several Presidencies and Lieutenant Governorships in *India*: Section Eighteen of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter Ninety-five, intituled *An Act to provide for the Government of India*, is hereby repealed,

Power to Governor General to appoint Territorial Limits of Presidencies &c., by Proclamation.

4. It shall be lawful for the Governor General of *India* in Council from Time to Time to declare and appoint, by Proclamation, what Part or Parts of *Indian* Territories for the Time being under the Dominion of Her Majesty shall be or continue subject to each of the Presidencies and Lieutenant Governorships for the Time being subsisting in such Territories, and to make such Distribution and Arrangement, or new Distribution and Arrangement, of such Territories into or among such Presidencies and Lieutenant Governorships as to the said Governor General in Council may seem expedient.

Power to Secretary of State in Council to signify Disallowance of such Proclamation.

5. Provided always, That it shall be lawful for the Secretary of State in Council to signify to the said Governor General in Council his Disallowance of any such Proclamation; And provided further, that no such Proclamation for the Purpose of transferring an entire Zillah or District from one Presidency to another, or from one Lieutenant Governorship to another, shall have any Force or Validity until the Sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor General.

LEGISLATIVE.

No. 23.

INDIA OFFICE,

London, the 25th May 1865.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Para. 1. With reference to your Despatches, No. 19, dated 11th November 1864 (Revenue Department), and No. 1, dated 23rd January 1865 (Foreign, Judicial Department), I herewith transmit to your Excellency in Council a copy of the Act of 28th Vict., c. 17, "to enlarge the powers of the Governor General of India in Council, at meetings for making laws and regulations, and to amend the law respecting the territorial limits of the several Presidencies and Lieutenant Governorships in India."

2. By Section 1, the difficulties which have hitherto existed as to legislating in India for British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, when not in the service of the Government of India, are removed.

3. Sections 3, 4, and 5 deal with the question of territorial arrangements between Presidencies and Lieutenant Governorships; and leave such matters in the hands of the Governor General in Council, subject, as provided by Section 5, to the control of Her Majesty's Government.

4. The arrangements reported in your Despatch on this subject above acknowledged, are confirmed. Should there be any others of the same character of a date prior to the passing of the Act now forwarded, you are requested to report them for the orders of Her Majesty's Government.

I have, &c.

(Signed) C. Wood.

2478 J

S₁R

With reference to your
 Endorsement No 1116 on the
 Proceedings of the Govt
 of India in the Home
 Department (Revenue)
 dated 17 August 1865 No 1113,
 I am directed to state that
 the only case of a
 transfer of territory
 from this to another
 Presidency which has
 taken place between
 the periods specified
 in para 14 of the Pro-
 ceedings above quoted,
 is that of the North (Saurashtra)
 district, which, with the
 exception of the Cunda-
 poor talook, was transferred
 to the Bombay Presidency
 from 16th April 1862

x From G. of Lucia House Dept.
to Madrid Feb. 16 April
1862 to 1904.

Corbett & Francis
No. 27 the Great Georgia
in the Roman Catholic

Oct 19th 1858
 Received for Wm. J. 1858
 Vol. 2. 1858

Very respectfully

certain considerations,
 one of the objects to submit
 a report showing the ex-
 tended boundaries of our
 territory, if any, that have
 taken place, in that dis-
 tance, between 20th Aug^t
 1863, and 9th May 1865 the
 date of the transfer being
 noted in each case.

No 2880 - 28 September

Walter

1250 1457.

8872280.
Communicated,

with copy of the following letter
to the Board of Directors, to the Board
of Revenue for information -

229. 20/10/07

Walden 2231
D. 2239/1

35/4

Revenue 1865 Sept 16.
No. of Govt for Sept 16.

No 2281.

The Secretary to the
Govt of India.
Home Dept.
22nd Sept 1865.

Regarding the
transfer of Mr. W. C.
Casson District
to Bombay -

No 452.