M.R.O. I. – 5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	1401	Press / Mis.
449-50 Dated	19-5-	1868.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th May 1868.

No. 449. Read the following Proceedings of the Madras Government in the Legislative Department :—

Passing orders on papers relating to the Madras Salt Excise Bill. } (Here enter 13th May 1868, No. 163.)

No. 450. ORDER THEREON, 19th May 1868, No. 1,401.

Separate Revenue, No. 21.
Salt.

Ordered to be recorded.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

Ex'd, S. T. Augustin.

Read the following papers :—

No. 4. From the Sub-Secretary to the Board of Revenue, to the Chief Secretary to Government, Fort Saint George ; dated Madras, 6th March 1868, No. 1619.

With reference to Government Order, dated 8th January 1868, No. 4, I am directed to report that the Board see no objection to omitting the Arbitration clauses of the Madras Salt Excise Bill ; but if this is done, they consider that the owners of suppressed pans, when dissatisfied with the amount of compensation awarded by the Collector, should be left to seek their remedy by ordinary suit in the Civil Courts. The Board's position and constitution are not such as to facilitate the exercise of judicial functions in cases of this kind, and as it will be by their order that works will be suppressed, the parties whose interests are concerned cannot be expected to regard them as impartial judges.

2. They can suggest no other rule for granting compensation, than that the amount granted shall be the market value of the works ascertained by careful inquiry.

3. If the Arbitration clauses are retained in a modified form, I am directed to add that the Board consider that the proviso at the end of Section 11 should be cancelled, and that in Section 20 the whole of the costs and fees should be made payable by the party against whom the arbitrators decide.

4. With regard to the concluding portion of the telegram from the Government of India, communicated with the Government order above mentioned, I am to say that the Board believe that the Government intend to remit the duty on all salt exported after the Act is passed, just as they do now.

No. 5. From the Under Secretary to the Government of India, to the Chief Secretary to Government, Fort Saint George ; dated Fort William, 14th April 1868, No. 159.

Home Department.
Legislative.

In reply to Mr. Assistant Secretary J. D. Mayne's letter, No. 238, dated the 27th of November last, forwarding for the assent of the Governor General the Act noted on the margin, and with reference to the telegram, dated the 13th of December, from the Government of India in the Financial Department to your address, I am directed to forward the accompanying Minute by the Viceroy, dated the 8th instant, embodying His Excellency's reasons for withholding assent to the Bill.

"To enable the Government to levy a duty by way of "Excise on Salt manufactured in such districts of the "Presidency of Fort Saint George as the Government "may think proper."

The Madras Salt Excise Bill.

I have withheld my assent from the Madras Salt Excise Bill, because I object to the Arbitration clauses. These clauses were inserted in Committee, and are copied from Act VI. of 1857, relative to lands taken for public purposes. But Act VI. deals with a state of things very different from that to which the Arbitration clauses in this Bill are applicable. When private property in lands and houses is taken for the public use, the full value of such property must be awarded,

and it is difficult to secure this, without affording the parties the option of resorting to impartial referees. But the case of a trader who is restrained for reasons of fiscal policy from carrying on a particular trade, in a particular place, cannot be compared to the case of a man who is deprived of his house or land. We have had recent experience of the inconvenience and loss to the State arising from the abuse of arbitration made under Act VI.; and it certainly is not desirable to extend that remedy to cases connected with the collection of the revenue.

I therefore withhold my assent from this Bill, and recommend the Madras Government to re enact it, with the omission of the Arbitration clauses, and the substitution of a clause, or clauses, defining the rules by which compensation is to be awarded to persons entitled to such compensation under Clause 6. Instead of arbitration, I would give the claimant an appeal from the Collector to the Board of Revenue.

CALCUTTA,
8th April 1868.

(Signed) J. L. M. LAWRENCE,
Governor General.

No. 6. ORDER THEREON, 13th May 1868, No. 163.

The Minute of His Excellency the Governor General, withholding his assent from the Madras Salt Excise Bill, will be communicated to the Madras Council for making Laws, in accordance with Rule 40 of the Rules for the conduct of business at Meetings of the Council.

2. The Acting Assistant Secretary to Government will prepare, in communication with the Honorable Mr. T. Clarke, Senior Member of the Board of Revenue, and submit, for the approval of Government, a draft of a Bill re-enacting the provisions of the Salt Excise Bill, with especial reference to the remarks of His Excellency the Viceroy on the subject, and the views of the Board of Revenue thereon, as expressed in their Sub-Secretary's letter above recorded.

(True Extract).

(Signed) P. O'SULLIVAN,
Actg. Asst. Secy. to Government,
Legislative Department.

To the Honorable T. Clarke.
" Revenue Department.
" Board of Revenue.

Revenue 1868 Vol.
No 5 Court of Queens
Bench 1687.

Proceedings of the
Govt: Regula-
-tive Wks

Dates 13th & 3 May.
Recd 18th 1868.

Ref. 163.

RETURNED.

Passing answer on
Petitions relating
to the Habeas Cal-
Ecclesia Bill

Nos. 449-450

Order 19 May

White order