Proceedings of the Madras Government, Revenue Department,
25th October 1873.

No. 299. Read the following letter from A. O. HUME, Esq., C.B., Secretary to the Government of India, Department of Agriculture, Revenue, and Commerce, (Tuccavee,) to the Hon. R. A. DALYELL, Acting Secretary to the Government of Madras, dated Simla, 20th October 1873, No. 1-46 :—

In forwarding the accompanying copy of a Draft Bill to amend the Land Improvement Act (XXVI. of 1871), I am directed to request that the Government of India may be favoured with an expression of the opinion of His Excellency the Governor in Council thereon, and to inquire whether, with reference to such experience as has already been gained of the working of the Act, any other amendments are, in the opinion of His Excellency in Council, desirable.

Enclosure No. 1.

A Bill to amend Act No. XXVI. of 1871 (*The Land Improvement Act*, 1871).

Whereas doubts have arisen as to the effect of certain provisions of the Land Improvement Act, 1871, and it is expedient with a view to removing such doubts to amend the said Act ; It is hereby enacted as follows : —

Preamble.

Short title.

1. This Act may be called "The Land Improvement Act Amendment Act, 1873 :"

Local extent.

It extends to the whole of British India ;

Commencement.

It shall come into force on the passing thereof ;

Construction.

And it shall be read with, and taken as part of, the said Land Improvement Act, 1871.

Amendment of Act XXVI. of 1871, Section 15.

2. Section 15 of the said Act is repealed, and instead thereof the following Section shall be substituted :—

"15. All sums advanced under this Act shall, when they become due, be recoverable in all or any of the following ways :—

(*a.*) From the borrower as if they were arrears of land-revenue due from him :

(*b.*) From the surety (if any) as if they were arrears of land-revenue due from him :

(*c.*) Out of the land to be improved as if they were arrears of land-revenue due on account of such land :

(*d.*) Out of the property comprised in the collateral security (if any) according to the terms of such security.

Provided—

(*e.*) that if the borrower is the landlord, any proprietary or cultivating interest which a tenant may have in the land to be improved shall not, unless the tenant has given such interest as collateral security for the advance, be liable to sale for the recovery of such advance ;

(*f.*) that if the borrower is such a tenant as is mentioned in Section 7, the landlord's interest in the land to be improved shall not be liable to sale for the recovery of the advance.

(*g.*) And if the advance is recovered from the surety or out of his property to the exoneration of the borrower or of the land to be improved, the surety shall have the same claims and remedies against the borrower and the land to be improved as the Government had when the advance was due."

Proceedings of the Madras Government Revenue Department,
28th October 1873.

No. 300. ORDER THEREON, 28th October 1873, No. 1,201.

Miscellaneous.

FORWARDED to the Board of Revenue for report.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Govt. of {1873} Madras.

REVENUE.

To

THE BOARD OF REVENUE.

Dated October 28th.

Recd. *Encl.*

G. O., 28th October 1873, No. 1,201.

OCTOBER.

Nos. 299-300.

Land Improvement Act.—Forwarding to the Board of Revenue for report letter from Government of India asking for an expression of opinion on the Draft Bill to amend the —.