M.R.O. 14-5,450—22-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 343 — Press ~~Mis.~~

113-114

Dated 11 — 2 — 1867.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
11th February 1867.

No. 113. Read the following Proceedings of the Madras Government in the Legislative Department :—

Approving of the Draft Bill to amend Act XII. of 1851 (for securing the land revenue of Madras), and directing that steps be taken for its introduction into the Local Legislature, and requesting Mr. Phillips to take charge of the Bill. } (Here enter 17th January 1867, No. 10.)

No. 114. ORDER THEREON, 11th February 1867, No. 343.

Land Revenue. Communicated to the Board of Revenue.

(True Extract.)

(Signed) J. GROSE,

Under Secretary to Government.

To the Board of Revenue, with Proceedings Legislative Department, No. 10.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Legislative Department, 17th January 1867.

Read the following papers :—

No. 1. Proceedings of Government, Revenue Department.

Directing the introduction of a Bill into the Local Legislature, to amend Act XII of 1851 *(for securing the Land Revenue of Madras.)* (Dated 22nd November 1866, No. 3189.)

No. 2. Draft of a Bill (prepared in the Revenue Department) to amend Act XII of 1851.

Whereas it is expedient to amend Act XII of 1851, *(an Act for securing the Land Revenue of Madras)*, by giving the Distraining Officer appointed by the Collector of Madras additional powers, it is hereby enacted as follows :—

Preamble.

Law repealed.

1. Section 7 of Act XII of 1851 is hereby repealed.

In default of payment, Collector to recover rent by distress and sale of movable property.

2. Whenever any owner of assessed land or any person holding land subject to a quit-rent, ground-rent, or the like, payable to the Government, shall, upon the written demand of the Collector, or of any officer duly empowered to act on the Collector's behalf, refuse or neglect to pay any sum at which the land is assessed, or with which it is charged as quit-rent, ground-rent, or the like, the Collector shall proceed for the recovery of such quit-rent, ground-rent, or the like by distress and sale of the movable property of the person so making default, or in the manner appointed for regulating distresses for arrears of land revenue by Madras Act II of 1864, as hereinafter provided.

Seizure and sale of movable property to be made according to following Rules.

3. In the seizure and sale of movable property for arrears of assessment, the following rules shall be observed :—

Collector to furnish person distraining with a demand in writing.

1*st*.—The Collector shall employ a person, hereinafter called the Distraining Officer, to distrain the property, and shall furnish such Officer a demand in writing, signed by the Collector, or by some Officer empowered by him in that behalf, specifying the amount of the arrear for which the distress shall be issued, and the date on which the arrear fell due.

Defaulter to be served with a copy.

2*nd*.—The Distraining Officer shall produce the writing as authority for making the distress, and on the day on which the property shall be distrained, shall deliver a copy of such writing to the defaulter, endorsing thereon a list or inventory of the property distrained, and the name of the place where the property may be lodged or kept.

Writing to state that the distrained property will be sold.

3*rd*.—The writing shall further set forth that the distrained property will be brought to public sale within seven days, unless the amount with interest and all expenses of the distress, be previously discharged.

Mode of service when defaulter is absent.

4*th*.—When a defaulter shall be absent, a copy of the writing, with the endorsement, shall forthwith be fixed or left at his usual place of residence.

Consequence of defaulter neglecting to pay after notice, or absenting himself.

4. When a defaulter, on receiving notice, shall neglect to pay the amount due, or when a defaulter shall have absconded or be otherwise not forthcoming, so that the notice cannot be served upon him, the Distraining Officer shall transmit an inventory of the property distrained to the Collector.

On tender of arrear and expenses prior to the day of sale, distress to be withdrawn.

5. If a defaulter whose property has been distrained, shall, before the day of sale, tender payment of the arrear demanded together with interest and all expenses attending the distress, the Distraining Officer shall receive the amount of the arrear, interest, and expenses, and shall forthwith release the property.

Distress to be proportionate to the arrear.

6. The distress levied shall not be excessive, and the value of property distrained shall be, as nearly as possible, proportionate to the amount of the arrear.

Time for distress.

7. The distress shall be made after sunrise and before sunset, and not at any other time.

What places Distrainer may force open.

8. The Distraining Officer shall have power to force open any stable, cow house, golah, granary, godown, out-house, or other building as also to enter any dwelling-house, the outer door of which may be open, (excepting the apartments in such dwelling-house appropriated for the zenanah or residence of women, which, by the usage of the country, are considered private), and to break open the door of any room in such dwelling-house for the purpose of attaching property belonging to a defaulter and lodged therein.

Powers of Distrainer to force open doors in the presence of a Police Officer.

9. Where a Distraining Officer shall have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country are considered private, such Officer shall represent the same to the Officer in charge of the nearest Police station within the limits of the Town of Madras; and on such representation, the Officer in charge of the said station shall send a Police Officer to the spot, in the presence of whom the Distraining Officer may force open the outer door of such dwelling-house.

Mode of distraining within Zenanahs.

10. The Distraining Officer may also, in the presence of the Police Officer, after due notice given for the removal of women within a Zenanah, and after furnishing means for their removal in a suitable manner, if they be women of rank, who, according to the custom of the country, cannot appear in public, enter the Zenanah apartments for the purpose of distraining the defaulter's property therein; but such property, if found, shall be immediately removed from such apartments, after which they shall be left free to the former occupants.

Act to be read as part of Act XII of 1851.

11. This Act shall be read with and taken as part of Act XII of 1851.

No. 3. ORDER THEREON, 17th January 1867, No. 10.

The Right Honorable the Governor in Council approves of the foregoing Draft Bill, and directs that steps be taken for its introduction into the Local Legislature.

2. The Honorable Mr. Phillips will be requested to take charge of the Bill.

(True Extract).

Ag. Assist. Secy. to Government,
Legislative Department.

To the Honorable H. D. Phillips.
,, Revenue Department. Sent the 15 Share Copies

Exd. S. T. Augustin.

Pro. 22 November 6 & 529-530

Nos 113-114.

Revenue 1867 Dept
Pro of Govt for 5 Feby
No. 280-

Proceedings in the
Legislative Dept.

Dated 17th Day
Received 2nd Feby
1867
No. 10.

Approving of the
Draft Bill Amend Act
XII of 1857 (for securing the
Land Revs of Madras) and
directing that steps be taken
for its introduction into the
Local Legislature, and re-
questing Mr Phillips to take
charge of the Bill.—

No 343 11 Feby

With an order

No. 343-

Communicated to the Board of Revenue

11th Feby 67.

11 Copies to the Pt of Revs with Pro & L. Dept No 10 Dated 11