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GENERAL ORDER BY THE GOVERNOR GENERAL IN COUNCIL No. 179 DATED 12th SEPTEMBER 1839.

Jephson's Code ; Part I 1839 Page 229.

The Governor General of India in Council is pleased to rescind the various orders now in force in this Presidency in regard of the occupation of ground and

Occupation of land and disposal of premises and buildings.

the disposal of premises or buildings, situated within the limits of military cantonments, and to substitute for them the following regulations, which is to have effect from the date of its promulgation at the different stations of the Bengal Army :-

Pros G.G. 25th June 1801.

G.O.G.G. 28th Sep. 1807.

G.O.G.G. 5th June; 1813.

2. All applications for unoccupied ground for the purpose of being enclosed, built upon or in any way appropriated to private purposes, such ground being

Application for land. within the limits of a military cantonment, are, in the first instance, to be made to the Commanding Officer of the station through the usual channel; and in no case are the boundaries of compounds to be

Alteration of boundaries of sites and closing or opening of roads. changed, old roads closed or new ones opened without the sanction of the Commanding Officer.

2. As the health and comfort of the troops are paramount considerations, to which all others must give way, the Commanding Officer will be held res-

Certificate by Commanding Officer. possible that no ground is occupied in any way calculated to be injurious to either, or to the appearance of the Cantonment; and, in forwarding any application for grant, he must certify that it is not objectionable in those or any other respects.

3. When no objection occurs, the application is to be forwarded through the prescribed channel, by the Commanding

Orders of Government required.

Officer of the station to the Quarter Master General of the Army, who, if the Commanding-in-Chief approves, will submit it for the orders of Government.

Form of application.

4. All such applications are to be in the annexed form marked

5. All grants are to be registered by the Officer of the Quarter Master General's Department attached to the division,

Grants to be registered and noted on plan.

and, at stations where no such officer may be present, by the executive officer of Public Works, to whom also in such cases,

applications for ground are to be addressed; and all grants are to be immediately noted upon the plan of the cantonment in the Quarter Master General's Office.

6. No ground will be granted except on the following conditions, which are to be

Conditions of occupancy.

subscribed by every granteo, as well as by those to whom his grant may subsequently be transferred.:-

1st :- The Government to retain the power of resumption at any time on giving one month's notice and paying the value of such buildings as may have been authorised to be erected.

Resumption of land.

2nd :- The ground, being in every case the property of Government, cannot be sold by the granted; but

Land belongs to Govt.

Land cannot be sold by grantee.

Transfer of houses between military officers.

houses or other property thereon situated may be transferred by one military or medical officer to another without restriction, except in the case of reliefs, when, if required, the terms of sale or transfer are to be adjusted by a Committee of Arbitration.

3rd :- If the ground has been built upon, the buildings are not to be disposed of to any person, of whatever description who does not belong to the army until the consent of the Officer Commanding the station shall have been previously obtained under his hand.

Arbitration in case of transfer on relief.

Transfer of house to civilian.

4th :- When it is proposed, with the consent of the General Officer, to transfer possession to a native, should the value of the house, buildings or property to be so transferred exceed Rs. 5,000, the sale must not be effected, until the sanction of Government shall have been obtained through His Excellency the Commander-in-Chief.

Transfer to native.

7. All ~~these~~ houses in a military Cantonment, being the property of persons not belonging to the army, which may be deemed by the Commanding Officer of the station suitable, from their locality, for the accommodation of officers, shall be claimable for purchase or for hire at the option of the former case at a valuation, and in the latter at a rent, to be fixed, in case, of the parties disagreeing by a Committee of Arbitration constituted as follows.

Houses claimable for purchase or hire at option of owner.

Committee of Arbitration.

8. The Committee is to be composed of one Civil Officer, the principal one, if practicable, at or in the vicinity of the station, the Commanding Officer of the cantonment, and an officer belonging to the station to be named by the proprietor of the premises ; and their decision, whether relating to the terms of purchase or rent, is to be conclusive, unless it shall be reversed by Government, for whose orders the proceedings of the Committee are to be submitted, through His Excellency the Commander-in-Chief, whenever, the proprietor of the premises which they have valued is dis-satisfied with their award.

Composition of committee of Arbitration.

Appeal.

9. When the houses of the officers of one corps are to be transferred to those of another, as here on the occasion of a relief, if a difference of opinion should arise as to the

Arbitration in case of  
transfer as on relief,

fair terms of the transfer, the price shall be fixed by a Committee of Arbitration constituted as in the last paragraph, but to which, in such cases, there is to be given an additional members to be named by the intending purchaser.

No Appeal.

10. In this case there is to be no appeal, and the decision of the Committee of Arbitration is to be final.