M.R.O. 1—23,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1055 Press Mis.

213-214

Dated 27—7— 1885

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 27th July 1865.

No. 213. Read the following letter from J. R. BOYSON, Esq., Government Solicitor, Madras, to W. HUDLESTON, Esq., Acting Secretary to Government, Fort Saint George; dated 24th July 1865, No. 418.

Referring to your demi-official letter of the 12th instant, relative to the Registration of Instruments executed by or on behalf of Government, or by any Court, Board or Commission, or Public office on behalf of Government, under the provisions of Act XVI of 1864, I have the honor to inform you that I submitted the matter for the consideration of the Advocate General, with whom I have also conferred; and,

2. I now forward a copy of his Opinion.

COPY—OPINION.

I think that no power is necessary in the cases contemplated by Section 69. The whole scope of that section seems to me to be this:—In the case of Officers of Government, &c., the inconvenience of personal attendance is such that it may be dispensed with; but in such cases the *prima facie* probability that the party presenting the document is the Agent of the Officer is sufficient to dispense with his being armed with a power of Attorney. If, for any reason which may occur to the Registering Officer, he is not satisfied, he is to communicate with the Officer direct.

2. Any other reading would, I think, confer no privilege on the Officers of Government which they would not enjoy under Section 28; for that section does not render *personal* appearance compulsory in any case. The parties may always appear by their duly constituted Agent.

3. Section 69 might have been more clearly worded. If after the words "in person," the Legislature had added "or to execute any Power of Attorney," or if the words "in person" had been omitted, there would have been no room for doubt. What the Legislature meant, I have already stated to the best of my judgment.

(Signed) J. B. NORTON,
Advocate General.

24th July 1865.

(True Copy).

(Signed) J. R. BOYSON,
Government Solicitor.

No. 214. ORDER THEREON, 27th July 1865, No. 1055.

Communicated to the Registrar General.

(True Extract).

Chief Secretary.

To the Registrar General of Assurances.

Exd. J. H. Burns.

27 July 1865 No. 1055.

Commd. Stores

Registrar General's

E.B.

To the Regr. Genl of Assurances Liverpool.

