M.R.O. 1—32,000—16-10-99.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	691	Press ~~Mis.~~
72-73		
Dated	5 . 5 . ~~19~~	1866

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
5th May 1866.

No. 72. Read the following letter from the Collector, Godavery District, to the Chief Secretary to Government, Fort Saint George; dated Cocanada, 13th April 1866, No. 8.

I have the honor to request that you will obtain the opinion of the Advocate General on the following point:—

"Are the provisions of Act VIII of 1859 applicable to summary suits under "Regulation V of 1822 before a Collector?"

2. In two cases in which appeals from the decisions of the Collector of the Godavery District or one of his Assistants have been made, the original decrees have been reversed, and execution of the appeal decree has been ordered by the Appellate Court to be carried out by the original Court under Section 362 of the Act already quoted.

3. It seems to me that Courts exercising merely summary jurisdiction, such as Collector's under Regulation V of 1822, are not the Courts referred to in the Preamble or body of the Act. Hence I make this reference.

No. 73. ORDER THEREON, 5th May 1866, No. 691.

The Governor in Council does not consider it necessary to make a reference to the Advocate General on the point raised in the foregoing letter.

2. By Section 38 of Act XXIII of 1861, the procedure prescribed by Act VIII of 1859 is to be followed, as far as it can be, in all miscellaneous cases and proceedings instituted in *any Court;* and as Regulation V of 1822, now superceded by the Madras Rent Recovery Act (VIII of 1865), conferred judicial powers on a Collector, he acted judicially when exercising those powers, and was consequently bound to follow, as far as possible, the procedure laid down in Act VIII of 1859, as he will be hereafter in regard to the judicial powers to be exercised by him under Act VIII of 1865, (Madras).

(True Extract).

Chief Secretary.

To the Collector of the Godavery District.

Exd. J. Tulloch.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Letter from the Collector of the Godavery District.

dated 13th April 1866. No. 8.

Order thereon. 5th May 1866 No. 691.

The Governor in Council does not consider it necessary to make a reference to the Advocate General on the point raised in the foregoing letter.

2. By section XXXVIII of Act XXIII of 1861, the procedure prescribed by Act VIII of 1859 is to be followed, as far as it can be, in all miscellaneous cases and proceedings instituted in any Court, and

and as Regulation V of 1822, now superseded by the Madras Rent Recovery Act (VIII of 1865), conferred judicial powers on a Collector, he acted judicially when exercising those powers, and was consequently bound to follow, as far as possible, the procedure laid down in Act VIII of 1859. as he would hereafter, and regard that the Judicial powers to be exercised by him under Act VIII of 1865 (Madras) Judicial Powers

Collector of the Godavery Distt.

No. 8. Godavery District
Collectors office Cocanada
13th March 1866

From
James Fraser Esquire
Collector

To
The Honorable A. J. Arbuthnot
Chief Secretary to Government
Fort Saint George

Sir,

I have the honor to request that you will obtain the opinion of the Advocate General on the following point.

"Are the provisions of Act VIII of 1859 applicable to summary suits under Regulation V of 1822 before a Collector."

2 In two cases in which Appeals from the decisions of the Collector of the Godavery District or one of his Assistants have been made, the original decrees have been reversed and execution of the Appeal Decree has been ordered by the Appellate Court to be carried out by the original Court under Section 362 of the Act already quoted.

3 It seems to me that Courts exercising merely summary jurisdiction, such as Collectors under Regulation V of 1822, are not the Courts referred to in the

Preamble or body of the Act - Answer
I wonder this appears -

I have the honor to be
Sir
Your most obedt Servant

J. Fraser
Collector

I think the Com.rs ought to be reminded that
of the 1st. has an important bearing upon
the conduct of his duties as a revenue officer,
& if the Com.rs have not that act and
Marshall's Reports, when the Summit was taken
Mr. Fraser cannot have done or could have done
[illegible] the 4th Reg.r 5 of 1822 under which
much was done, has one of a number of his Boxes

Wm

E. D. Ramsay
Sec.y & Clerk

Exp 8/5

Judicial 1866. Department.

No. 691.

PROCEEDINGS OF GOVERNMENT.

Dated 5th May 1866.

Press No. 2755, G. M.—14-11-65—500.

72.73.