M.R.O. 14—10.000—21-4-27

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 928 Press Mis.

449. 420

Dated 30 6 1862.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 30th April 1862.

No. 419. Read the following letter from R. A. DALYELL, Esq., Sub-Secretary to the Board of Revenue, to T. PYCROFT, Esq., Chief Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 27th February 1862, No. 1,367:—

SIR,

1. I am directed by the Board of Revenue to request the orders of Government as to the reception on their files by Collectors of suits for the possession of, or succession to, hereditary village offices in the Police Department, or for the enjoyment of any of the emoluments annexed to such offices.

2. Such suits are brought under Clause IV, Regulation VI of 1831, which is unrepealed by the new Police Act,* though so much of Clause VII of the same Regulation as relates to village Watchers or other persons holding village offices in the Police Department is included in the Schedule of Regulations superseded by that Act.

*Act XXIV of 1859.

3. The present state of the Law would seem therefore to leave the investigation into a claim to any such office, or its emolument, in the hands of the Collector, but to make it optional with the Police Superintendent to carry out the Collector's decree, as the control, supervision and dismissal of village Police officers is taken out of the hands of the latter officer by the repeal of a portion of Clause VII of Regulation VI of 1831, and further by Section IV of the Police Act, "no person, Officer, or Court (other than those mentioned in the Act) shall "be empowered to appoint, supersede or control any Police functionary, any Regulation Act "or usage to the contrary notwithstanding."

4. The latter Section may perhaps be considered virtually to repeal Section IV of Regulation VI of 1831, so far as it relates to Police Officers, but the Board cannot think that it was the intention of the Legislature to ignore the hereditary right to all such offices and their emoluments, though such an interpretation of the Law would apparently involve this.

No. 420. ORDER THEREON, 30th April 1862, No. 928.

1. The Board appear to have overlooked the repealing Section (No. 2) of Act XXIV of 1859, which contains the proviso that nothing in it "shall be construed to affect any Judicial "function or jurisdiction original or appellate which by any existing law may be exercised by "any of the officers mentioned in the enactments above repealed." A Collector's functions under Regulation VI of 1831, are clearly Judicial, and they are therefore saved by this Section.

2. So long as Section IV of Regulation VI of 1831 remains unrepealed, a Collector cannot refuse to take cognizance of a claim preferred under it. His decision, however, is only declaratory of right. It will still rest with the Inspector General of Police to decline to give practical effect to it, when the party is unfit for the post to which, subject to that condition, he has the best legal claim. This at first sight may seem anomalous, but it must be remembered that efficiency for service is a necessary condition to drawing the emoluments of an office.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

Note.

The Bd, I think, have overlooked the repealing Section (2 of act XXIV of 1855) which contains the proviso that nothing in it "shall be construed to affect any judicial function or jurisdiction original or appellate which by any existing law may be exercised by any of the officers mentioned in the enactments afore repealed." The Collrs functions under Reg VII 1831 are clearly judicial and they seem to be saved by this Section.

So long therefore as Sect IV of Regn VI of 1831 remains unrepealed, the Collr cannot refuse to take cognizance of a claim preferred under it. His decision however is only declaratory of Right

Revenue Department

B-928.

Proceedings of the Board of Customs
under date the 30th April 1862

Read the following
letter from the Secretary to the Board of
Revenue

Requesting orders
as to the reception on their
files by Collectors of Customs
for the possession of arms
& ammunition &, heretofore
& by officers in the Police
Department for the se-
=izure of any of the arms
= & ammunition referred to in such
offices —

(See Sections 27 & 28
180 & 181 of
1862 & 1867)

The Board after
to have once looked the se-
=venth section (No 7) of
Act XXIV of 1859 which con-
=tains the proviso that no
=thing in it shall be
construed to affect any pe-
=culiar function or pe-
=culiar jurisdiction or privi-
=lege attached to any
Existing Court may be exercised

+ It will still rest with the
Inspector full of Police to
decline the practical
check but, when the Party
is unfit for the post & which-
subject to that condition he has
the last legal claim — The Party
Less ornamental, but efficiency
for Service is surely a necessary
Condition to having the Instrument
of an office. In Strict law a Color
Cannot enforce any decision under
Reg VI of 1831 — power to do having once
Commuted to Revenue Board. J.G.D.

The words "if they seem to" are struck out.
The words "Collectors" & "Inspectors" are struck out.
The words "Collectors" & "Inspectors" are struck out.

by any of the officers
mentioned in the Section
= mentd above repealed —
& Collectors functions
under Regulation VII of
1831 are clearly judicial
and they are therefore
done away by this Section —
So long as Section
IV of Regulation VII of 1831
remains unrepealed, a Co
Collector cannot refuse to
take cognizance of a claim
preferred & sends it to their
decision however in only
declaratory of right —
will still rest with the
= spector General of Police
to decide & give practical
effect to it, when the party
is unfit for the post to
which he puts to that
condition — he has the
least legal claim — Tho
at least slight may deem
Recommended but it must
be remembered that offici=
= ency for service is a re =
= cessary condition of

Section

drawing the Emolument
of the office —

[illegible]

by Capt. Forbes
Cuttack 30

[illegible]

Revenue 1862 Depth
Pro: of Govt for April

No 928

10 - 11 - 93

Pro: of the Madras Govt
Dated 30 April 62.

Passing orders on a letter from the Board of Revenue requesting orders of Govt for the admission by Collectors of Suits regarding the hereditary Village Offices in the Establishment and the emoluments attached to each Office.

No 219 & 220.