M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 185 Press Mis.

303 . 304

Dated 24 — 1 — 19 1883

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 24th January 1863.

No. 303. Read the following Proceedings of the Board of Revenue, dated 10th November 1862, No. 7,392:—

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cuddalore, 22nd October 1862, No. 229.

SIR,

1. In acknowledging the receipt of the Board's Standing Circular, No. 6,681, dated 6th October, accompanied by revised rules for granting authenticated copies of Revenue and Magisterial papers, I desire to be informed whether it is imperative on the Collector to affix his signature to every copy of a document granted under these rules, or whether the authentication by the Deputy Collector is sufficient. I presume at all events that copies given under Rule 21 by the Sub-Collector or Head Assistant Collector, may be authenticated by these Officers respectively.

2. I further solicit instructions as to whether applications for copies of the papers indicated must be invariably made to the Collector in person, or whether such applications may be received by post, also whether Tahsildars may receive applications for submission to the Collector. At present applications by post and in the Talooks are frequent, and the public convenience would seem to deserve consideration, in the absence of objections of greater weight.

3. I presume that the rules do not apply to copies of final orders either in Magisterial or Revenue cases. Such copies are now given by Officers passing the decision, whether Native or European, without any reference to the Collector or Magistrate; and I request to be informed if the practice may not be continued. The parties in every case being entitled to such copy as a matter of right, it is possible that "final orders" do not come within the category of documents contemplated by the rules.

4. I would urge the sufficiency of the authentication of documents by the Deputy Collectors because of the very serious inconvenience to which persons may be put at the time of the Jamabundy, and on other occasions when the Collector is absent from the Hoozoor station; and the same objection would seem to support my recommendation that applications for copies of documents may be permitted by post, or through the Tahsildar of the Talook.

5. Existing practice appears so at variance with these new rules, that I have felt it my duty at once to seek distinct instructions on the particular points I have noticed, and I trust I may be favored with these at an early date.

The Board resolve to submit the above letter for the orders of Government as the Draft rules prepared by the Board were very materially modified in the Government Office, as regards the main point referred to by the Collector.

(A true Copy and Extract.)

(Signed.) W. HUDLESTON, *Secretary.*

No. 304. ORDER THEREON, 24th January 1863, No. 155.

1. With these Proceedings the Board of Revenue submit a letter from the Collector of South Arcot in which he seeks instructions on certain points connected with the Rules for granting authenticated copies of documents in the records of a Collector or Magistrate, recently passed.

2. The first question is whether the authentication by the Deputy Collector is sufficient. The Court of Sudder Udalut having in their Registrar's letter, dated 25th June 1860, No. 60, included the Uncovenanted Assistants to Collectors among the Officers who can be empowered to grant attested copies, the authentication of the Deputy Collectors is sufficient. When the Deputy Collector attests the copy, his counter-signature is of course unnecessary.

The Government also agree to Sub-Collectors and Head Assistants attesting copies made under Rule 21 in their Offices.

3. The second question is whether applications for copies of papers may be received by post and also whether Tahsildars may receive application for submission to the Collector. The Government see no objection to either of these measures, nor any thing in the rules to raise doubts regarding them. The copies sent to parties by post will not of course be franked as on the public service. They should be forwarded bearing postage unless the applicants have made arrangements to avoid the charge.

4. The next and last question is whether final orders either in Magisterial or Revenue cases come under the Rules. The Government have in their orders noted in the margin* modified Rule 20 so as to meet the requirements of Section 440 of the Criminal Procedure Code. The orders alluded to by Mr. Reade do not come under the Rules, and copies of them may be granted as hitherto.

* 2nd December 1862, No. 2,526.
12th " " " 2,595.

5. The main principles of the new Rules are to throw on the Collector alone the responsibility of giving copies of papers on his records, of making the Deputy Collector answerable for the correct and speedy preparation of copies so allowed, and of limiting the number of copying offices as much as public convenience will allow. So that these leading objects are attained, the Government are quite prepared to consider any modifications which the Board may suggest in the Rules.

(Signed.) J. D. SIM,
Secretary to Government.

No. 7,392.

Proceedings of the Board of Revenue, dated 10th November 1862.

Read the following letter from C. W. READE, Esq., Collector of South Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Cuddalore, 22nd October 1862, No. 229:—

1. In acknowledging the receipt of the Board's Standing Circular, No. 6,681, dated 6th October, accompanied by revised rules for granting authenticated copies of Revenue and Magisterial papers, I desire to be informed whether it is imperative on the Collector to affix his signature to every copy of a document granted under these rules, or whether the authentication by the Deputy Collector is sufficient. I presume at all events that copies given under Rule 21 by the Sub-Collector or Head Assistant Collector, may be authenticated by these Officers respectively.

2. I further solicit instructions as to whether applications for copies of the papers indicated must be invariably made to the Collector in person, or whether such applications may be received by post, also whether Tahsildars may receive applications for submission to the Collector. At present applications by post and in the Taluks are frequent, and the public convenience would seem to deserve consideration, in the absence of objections of greater weight.

3. I presume that the rules do not apply to copies of final orders either in Magisterial or Revenue cases. Such copies are now given by Officers passing the decision, whether Native or European, without any reference to the Collector or Magistrate; and I request to be informed if the practice may not be continued. The parties in every case being entitled to such copy as a matter of right, it is possible that "final orders" do not come within the category of documents contemplated by the rules.

4. I would urge the sufficiency of the authentication of documents by the Deputy Collectors because of the very serious inconvenience to which persons may be put at the time of the Jamabundy, and on other occasions when the Collector is absent from the Huzur station; and the same objection would seem to support my recommendation that applications for copies of documents may be permitted by post, or through the Tahsildar of the Taluk.

5. Existing practice appears so at variance with these new rules, that I have felt it my duty at once to seek distinct instructions on the particular points I have noticed, and I trust I may be favored with these at an early date.

The Board resolve to submit the above letter for the orders of Government as the Draft rules prepared by the Board were very materially modified in the Government Office, as regards the main point referred to by the Collector.

(A true Copy and Extract.)

E. Hudleston
Secretary.

To A. J. Arbuthnot, Esq., Chief Secretary to Government.
Copy to C. W. Reade, Esq., Collector of South Arcot.

Exd. J. Wright,

Revenue Department

1863 Jany 15th

Proceedings of the Board of Revenue
under date the 21st January 1863.

Read the following

Proceedings of the Board

Revenue

Submitting for the orders of Government a letter from the Collector of South Arcot requesting instructions on certain points connected with the revised rules for granting authenticated copies of Revenue and Magisterial papers.

Mr. Collector 10th Nov 1862
No. 7392

Madras Revenue Board

Submitting a letter from the Collector of South Arcot for instructions on certain points connected with the revised rules for granting authenticated copies of Revenue and Magisterial papers.

1 The Collector requests instructions on the following points connected with the revised rules for granting authenticated copies of Revenue and Magisterial papers -

2 The Collector points out that the rules for granting authenticated copies of Revenue and Magisterial papers, as published in the Regulations, have been in force since 1802, and that the Government orders issued subsequently to that date have been collected and published in a separate volume, and that the Collector has not the latter volume in his office.

Pro. 30th Sept. 62 No 529 - 5th
" 2nd December " " 30-31
" 12th " " " 177-175.

Rev = 1862 Department,
Pro: of Govt for Jany 1863.
No. 3141

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 10*th November* 1862.
Despatched. 12 do
Received. 13th

No. 7,392.

Submitting for the orders of Government a letter from the Collector of South Arcot requesting instructions on certain points connected with the revised rules for granting authenticated copies of Revenue and Magisterial papers.

No. 303.

C. R. Pro: 150 - 24 Jany 1863

C. to Jany 1863. R 22

officers who can be empowered to grant attested copies the authentication of the ~~by Collectors~~ is sufficient: and such is the intention of Rule 6. The use of the words "countersign" and "counter-signature" ~~—~~ in that rule will appear to have created doubts in Mr. Reade's mind; the Board will direct the substitution of the words "sign" and "signature" respectively.

3. The second question is whether applications for copies of papers may be received by post, and also by Tide-Surveyors and Tidesmen may receive applications for submission to the Collector. The Board see no objection to either of these measures. The copies sent to parties by post should not be franked as on the Public Service. They should be forwarded bearing postage unless the applicants have made arrangements to avoid the charge.

4. The next and last question is whether final orders either in Registered or Revenue cases

When the Dep. Clk. attests the Coby. his counter-signature is of little use.

The Inst. also apprehends Lieut. Coles & Head Assistants attesting Copies made under Rule 21 in these Words.

The Signature of the Dy Collector is of course required - but not the Counter-signature of the Collector

I wrote "Necessary" by mistake for "unnecessary"

JRS

~ For any thing in the Rules & Cases Orders respecting them

× 2d. Decr 1862 No. 25 26-
12th Decr 1862 n. 2595.-

cases come under the earlier the Board have in this order noted in the margin × modified Rule 20 so as to connect the requirements of section 440 of the Criminal Procedure Code. The words alluded to by Mr. Reade do not come under the Rules - and Copies of Items may be granted as hitherto -

The main principles of the new Rules are to throw on the Collr. alone the responsibility of giving Copies of papers on his records - & in making the Dep. Clk. answerable for the correct & speedy preparation of Copies so allowed & of limiting the number of Copying Officers as much as Public convenience will allow. It is that these leading

objects are attained
the Bds are quite pre-
-pared & considered
any modifications
which the Bd may
suggest in the rules.

S D C.

The Clerk & Recorder
Dist. Col.

2-10-1863 I

25-1-1863 I

Revenue 1863 Dept.

Pro: of Govt. for Jany:

N: 155.

Pro: of Std Madras Govt.

Dt 24th January 1863.

Pro: Board of Revr.
submitting a letter from
the Collector of South
Arcot, requesting instruc-
tions on certain points
regarding the Rules for
granting authenticated
copies of Revenue and
Magisterial papers, with
orders thereon.

N: 303 & 304.