M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1763 Press ~~Mis.~~

325-326

Dated 25-9-~~19~~1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 25th September 1863.

No. 325. Read the following letter from G. S. FORBES, Esq., Collector of Ganjam, to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated Chetterpur, 7th September 1863, No. 176:—

SIR,

I have the honor to submit for the order of Government an exception taken by the Civil and Session Judge of Chicacole to the power of the Principal Assistant Collector, Captain Grove (who is in effect a Joint Magistrate and Sub-Collector), to dispose of breaches of the Stamp Laws. I should have supposed that every Assistant Collector is a Collector of Stamp Revenue in the sense of the Act.

ENCLOSURE No. 1.

From Captain H. L. GROVE, Acting Principal Assistant Collector, to G. S. FORBES, Esq., Collector of Ganjam, dated Chicacole, 1st September 1863, No. 233.

SIR,

1. I have the honor to forward Extract from the Proceedings of the Session Court No. 249 of the 31st ultimo, and to request you will be so good as to instruct me as to what reply I am to make.

2. I would only observe that in a late case of breach of the Stamp Laws tried by me under my Magisterial powers, which was referred to the High Court by the Session Judge, that Court though they reverse the sentence for other reasons raised no objection as to my power to try such cases.

ENCLOSURE No. 2.

Extract from the Proceedings of the Session Court of Chicacole, dated 31st August 1863, No. 249.

Read Extract of Calendar in case No. 133 of 1863, Acting Principal Assistant Magistrate's file.

1. The Session Judge resolves to call upon the Acting Principal Assistant Magistrate to place before the Court his authority to prosecute in such cases.

2. Section LII of the Stamp Act X of 1862 expressly limits the power to prosecute "to "the Collector of the Stamp Revenue of the District," which Captain Grove is not, "or other "Officers specially authorized by the Government in that behalf," and if Captain Grove is so specially authorized by Government this Court should be furnished with the information.

3. It is not sufficient to say that the Collector of the Stamp Revenue must of necessity include his Assistants.

(True Extract.)

(Signed) T. J. KNOX,
Session Judge.

No. 326. ORDER THEREON, 25th September 1863, No. 1,763.

Referred, together with the papers, to the Government Pleader for his opinion on the question at issue. Mr. Dale's attention will be drawn to Section III, Regulation VII of 1828, Clause 1. Captain Grove as Acting Principal Assistant is in the position of a Sub-Collector and has charge of a division.

(True Extract.)

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

To the Government Pleader.
„ Board of Revenue.

Exd. S. T. Augustin.

For Orders.

I should think that Sect III. Reg VII of 1828 d 1. settled this question in Capt Pore's favor. As Ag Principal Asst. he is a Sub Collr. & must have charge of a division.

Shall the question be referred to the Law Officers

Yes, drawing his attention to Reg VII/1828

J D S

Jul. Pro. 26 July 62. No. 260-261
" 22 Augt " " 243-244-

Sectn III. If the Govt. Pleader decides against us - no more I suppose specially authorize Capt. Pore under S 32 Act X/62. and do so in me by all Sub Collectors and other Revenue Officers having separate charges.

21-9-63

No 325-1826

C 21 Sept/63 R 24

Revd 1863 Septr
Pro. of Govt for Septr
Form No. 2227.

The Collector of Ganjam

To

The Secretary to Govt
Madras

Fort Ste. Georg
Dated 7th Sep 1863
Recd 18th
No 176

Closures Two.

Submitting for the Order of Government an Exception taken by the Civil and Sessions Judge of Chicacole to the power of the Princip Assist Collr to dispose of breaches of the Stamp Laws.

No 1763. 25 Septr
With and Order.

Referred, together with the papers, to the Govt Pleader for his opinion on the question at issue.

Mr Dale's attention will be drawn to Section III Regulation VII of 1828 Colonel Caplain Grove as acting Principal Assistant is in the position of a Sub Collector and has charge of a division.

Fort St. George
25 Sept. 63.

Govt Pleader Sept 25 Sept
4 Oct of Revd Law