

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1477	Press Mg
226-27	Dated 20-9-1870	10

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
20th September 1870.*

No. 226. Read the following letter from the Secretary to the Council of the Governor-General for making Laws and Regulations, Legislative Department, to the Chief Secretary to the Government of Madras, dated Simla, 31st August 1870, No. 543 :—

I AM directed to acknowledge the receipt of Mr. Under-Secretary Stokes's letter, No. 1,176, dated 8th instant, and of its enclosure from the Board of Revenue, requesting the instructions of the Government of India as to whether appeals in cases mentioned in Act VII. of 1870, Section 19, Clauses X. and XL. should be exempted from Court Fees.

2. It seems clear to the Government of India in this department that Act VII. of 1870 treats 'applications' as different from 'appeals' in matters dealt with exclusively by the executive, (see Schedule II., Nos. 1 and 11), and it is thought that the exemption in Section 19 not only does not include appeals but that it ought not to do so.

3. The Honourable Mr. Forbes is certainly mistaken in saying that the Committee on the Bill, which became Act VII. of 1870, intended to include appeals in the exemption; and the Honourable Mr. Cockerell, who was in charge of the Bill, and who has been consulted on the question now raised, positively asserts that had such a proposal been made, he for one would have opposed it.

4. The policy which led to the exemption of applications relating to a supply of water, and for leave to extend cultivation, or relinquish land, does not appear to justify the exemption of appeals from orders passed on such applications. By giving applicants in these cases the right to the gratuitous services of an experienced local officer, the Legislature has done all that such applicants can reasonably expect. If they are dissatisfied with the decision of the local officer, and desire to press their claims on his superiors, there seems no reason for their further exemption from payment of fees.

No. 227. ORDER THEREON, 20th September 1870, No. 1,477.

Miscellaneous.

COMMUNICATED to the Board of Revenue for information and guidance, with reference to their letter, dated 27th May 1870, No. 3,620.

(True Extract.)

(Signed) H. E. STOKES,
Under-Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

