

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1953	Press Mis
132-34	Dated 6-12-1860	19

Not to be folded or roughly handled

12/2/60

*Proceedings of the Madras Government, Revenue Department,
6th December 1870.*

Read the following papers:—

No. 132. Proceedings of the Board of Revenue, dated 4th November 1870,
No. 6,476.

Read the following letter from the Officiating Collector of the Kistna District,
to the Acting Secretary to the Board of Revenue, dated Masulipatam,
7th October 1870, No. 4,406.

I HAVE the honour to refer, for the consideration of the Board of Revenue, copy of an Arzi received from the Zemindar of Nuzid, in which he complains that certain of his Curnums have been magisterially fined by the Deputy-Tahsildar and Sub-Magistrate of Nuzid Division, under Section 174 of the Indian Penal Code, for disobedience to an order issued by competent authority, requiring their attendance before him, under Act. III. of 1869 (Madras), to furnish accounts for the assessment of the Road-cess. The Zemindar encloses copy of a legal opinion given by Mr. J. D. Mayne, that Madras Act III. of 1869 does not repeal Madras Act III. of 1866, Sections 8, 9, and 10, and that consequently in proceedings held with reference to the District Road-cess, no officer, under the rank of a Tahsildar, can summon a Curnum, and disobedience to such a summons issued by a Deputy-Tahsildar is not punishable.

2. If this is the state of the Law, I would beg to point out the practical inconvenience that must result therefrom, when such Zemindaries are included in divisions, not taluqs, under any Tahsildar but a Deputy-Tahsildar, if such officer is not empowered to hold inquiries regarding the assessment of road-cess; but in my opinion in a Zemindari Division, a Deputy-Tahsildar exercises all the powers of a Tahsildar.

ENCLOSURE No. 1—Copy of an Arzi.

SUBMITTED for the information and orders of Government.

2. Mr. Mayne is of opinion that the express provision in Section 10 of Madras Act III. of 1866, that a revenue-officer *not below the grade of Tahsildar* shall have power to summon witnesses, etc., for Road-cess purposes, takes away the authority of a Deputy-Tahsildar to issue such summonses, or punish disobedience of them, as he otherwise might under Madras Act III. of 1869.

3. If this is the case, the Law should be modified; as in the case of many Zemindaries, it will be very inconvenient for any officer but a Deputy-Tahsildar to hold inquiries connected with the assessment of the District Road-cess.

REFERRED to the Advocate-General, through the Government Solicitor, for his opinion.

18th November 1870.

(Signed) W. HUDLESTON,
Secretary to Government.

No. 133. From the Government Solicitor, to the Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 22nd November 1870, No. 601.

I HAVE the honour to acknowledge the receipt of the Order of Government, dated 18th instant, together with its enclosure, requesting the Advocate-General's

*Proceedings of the Madras Government, Revenue Department,
6th December 1870.*

opinion relative to the complaint preferred by the Zemindar of Nuzid in consequence of certain Curnums of the Nuzid Zemindari having been magisterially fined by the Sub-Magistrate of Nuzid Division for disobedience to an order requiring their attendance before him to furnish accounts for assessment of Road-cess.

2. I submitted the matter for the consideration of the Advocate-General, and I now forward a copy of his opinion, and return herewith the enclosure above noted.

OPINION.

I concur with Mr. Mayne.

(Signed) JOHN BRUCE NORTON,

Advocate-General.

22nd November 1870.

No. 134.

ORDER THEREON, 6th December 1870, No. 1,953.

Miscellaneous.

As the Advocate-General concurs in opinion with Mr. Mayne, that the levy of the fines was unauthorized, the

Board will take steps to have them refunded.

2. The papers will be communicated to the Judicial Department, in order that the difficulty may be obviated in the new Bill now before the Legislative Council.

(True Extract.)

(Signed) W. HUDLESTON,

Secretary to Government.

To the Board of Revenue.
.. the Accountant-General.
.. the Judicial Department.

Ed. F. R. Bantleman.

No. 3636

From the Government Solicitor

Dated 22^d November 1870.

FOR ORDERS.

Under the opinion Ex.
 pressed by the Advocate
 but he must, I think,
 repudiate the fines—

~~But~~ The difficulty
 should be made known
 to the judicial Dept. in
 order that it may be
 abridged in the new Bill.

Govt. of 1870

REVENUE.

To

THE BOARD OF REVENUE.

Secy. Ac. Asst.

Dated December, 6th.

Recd.

Encl.

G. O., 6th December 1870, No. 1,953.

DECEMBER.

Nos. 132—134.

Fines imposed on Curran of Nuzid Zemin-
 duri.—Board of Revenue directed to take steps
 to have them refunded.

N^o 1953

Pro^s of the Madras Govt

Under date the 6 Decr 1870

Read the following
letter from the Govt Solicitor

Forwarding copy of the Adv.
Genl's opinion on complaint preferred
by the Zemindar of Nuzid in
consequence of certain arrears of
Nuzid Zemindary having been fined
by the M^{rs} of Nuzid &c for disobeying
an order.

H.E. 22^d November 1870 N^o 601

As the Advocate
General concurs in opinion
with Mr. Mayne that
the levy of the fines was
unauthorized, the Board
will take steps to have
them refunded.

The

2. The papers will
be communicated to the
Judicial Department in
order that the difficulty
may be obviated in the
new Bill now before the
Legislative Council.

L.R.

Secretary

14 Board of Revenue with an extra Deputy.
6 Accountant General.
5 Judicial Department.

By Order

Confession of
Certain Customs
and Reminders
have been found
by the People

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