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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	201	Press.
B.P. No.		Mis.
Dated	9-2-1878	197

Not to be folded or roughly handled

Archives I-5,806-24-2-78.

201
GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

9th February 1878, No. 201.

Read the following papers :—

No. 92. Proceedings of the Board of Revenue, dated 9th January 1878, No. 59.

Read the following letter from Lieutenant-Colonel A. DE C. SCOTT, R.E., Acting Superintendent of Revenue Survey, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Chepauk, 3rd December 1877, No. 3,776-131.

I HAVE the honor to request that you will submit, for the decision of Government, the question as to whether or not a Deputy Superintendent of the Revenue Survey empowered to demarcate under Act XXVIII of 1860 may incur the outlay necessary for payment of stamps and fees if he requires an authenticated copy of a decision passed by a Magistrate in the case of a prosecution under Section 29 of the

which have been referred to this reference are as follows these.
Mr. Gompertz, the ... of No. 4 Party in ... the prosecution of certain villagers for obstructing one of his subordinates in the execution of his duty. The Sub-Magistrate who heard the case gave a decision which Mr. Gompertz considered was not warranted by the evidence, and he accordingly applied for a copy of it, which was only granted on payment of Rupees 4-0-3 for stamps and writing. The copy was obtained for the purpose of instituting an appeal which resulted in the conviction of eight of the defendants in the original suit. It should have been used for the purpose of supporting an application for permission to appeal, but in either case a copy was necessary.

2. The Accountant-General declines to pass the charge referred to, which was entered in the Contingent Bill of the Party, and quotes the Resolution of the Government of India, No. 4,018, of 5th November 1872, printed in the Proceedings of the Madras Government of the 19th November 1872, No. 1,540, which does not seem to me to apply to the case in point.

3. If, under circumstances such as I have described, Judicial Officers are justified in making a charge for copies of decision obtained, it seems to me that Survey Officers should be allowed to incur the outlay and to adjust it without previous reference to Government by entry in their Contingent Bill.

SUBMITTED for the orders of Government.

2. The charge is justified by Section 276 of the Code of Criminal Procedure; the order quoted by the Accountant-General in support of the objection does not appear applicable.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Sub-Secretary.

No. 218.

REFERRED for the remarks of the Accountant-General on paragraph 2 of the Superintendent's letter.

FORT ST. GEORGE,
29th January 1878.

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

No. 93. From L. C. PROBYN, Esq., Accountant-General, Madras, to C. G. MASTER, Esq., Secretary to Government, Revenue Department, dated Fort St. George, 6th February 1878, No. 1,409.

In returning herewith Proceedings of the Board of Revenue, No. 59, of the 9th ultimo, submitted for my remarks with your Endorsement, No. 218, of 29th idem, I have the honor to report that, as the case is stated by the Superintendent, Revenue Survey, the charge is clearly admissible.

2. The nature of the charge was not understood when the decision of this office referred to in paragraph 2 of Colonel Scott's letter, of the 3rd December, was communicated to that officer.

No. 94. ORDER THEREON, 9th February 1878, No. 201.

Miscellaneous.

COMMUNICATED to the Board of Revenue with reference to their Proceedings quoted.

To the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Baileman.

Stamps and Fees paid by a Deputy Superintendent of Revenue Survey for a decision of a Magistrate. Communicated to the Board of Revenue letter from the Accountant-General reporting that the charge of -- will be admitted by his Office.

FEBRUARY.
Nos. 92-94.

G.O., 9th February 1878, No. 201.

Dated February 8th.

THE BOARD OF REVENUE,
Secy. Secy. Secy.

REVENUE.

6601. of 118781

No. 59.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 9th January 1878.

Read the following letter from Lieut.-Colonel A. DEO. SCOTT, R.E., Acting Superintendent of Revenue Survey, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Chepauk, 3rd December 1877, No. 3,776-131:—

I HAVE the honor to request that you will submit, for the decision of Government, the question as to whether or not a Deputy Superintendent of the Revenue Survey empowered to demarcate under Act XXVIII of 1860 may incur the outlay necessary for payment of stamps and fees if he requires an authenticated copy of a decision passed by a Magistrate in the case of a prosecution under Section 29 of the Act. The facts of the case which have given rise to this reference are briefly these. Mr. Gompertz, the Deputy Superintendent of No. 4 Party in Madura, directed the prosecution of certain villagers for obstructing one of his subordinates in the execution of his duty. The Sub-Magistrate who heard the case gave a decision which Mr. Gompertz considered was not warranted by the evidence, and he accordingly applied for a copy of it, which was only granted on payment of Rupees 4-0-3 for stamps and writing. The copy was obtained for the purpose of instituting an appeal which resulted in the conviction of eight of the defendants in the original suit. It should have been used for the purpose of supporting an application for permission to appeal, but in either case a

2. The Accountant-General declines to pass the charge referred to, which was entered in the contingent bill of the party, and quotes the Resolution of the Government of India, No. 4,018, of 5th November 1872, printed in the Proceedings of the Madras Government of the 19th November 1872, No. 1,540, which does not seem to me to apply to the case in point.

3. If under circumstances such as I have described Judicial Officers are justified in making a charge for copies of decision obtained, it seems to me that Survey officers should be allowed to incur the outlay and to adjust it without previous reference to Government by entry in their contingent bill.

SUBMITTED for the orders of Government.

2. The charge is justified by Section 276 of the Code of Criminal Procedure; the order quoted by the Accountant-General in support of the objection does not appear applicable.

(A true Copy and Extract.)

[Signature]
Sub-Secretary.

To the Secretary to Government, Revenue Department.
Copy to the Superintendent of Revenue Survey.

Exd. W. J. Lewis.

*With a note
to the
The charge is
admissible.
4/2/78*

Indian DEPARTMENT.

No. 1409

201
4

Fort Saint George,
Accountant General's Office,
6 February 1878.

FROM THE ACCOUNTANT GENERAL, MADRAS,

TO THE *Secretary to Government*
Revenue Department

SIR,
In returning herewith Proceedings of the Board of Revenue Sp. 59 of the 9th ultimo, submitted for my remarks with your Endorsement No 218 of 29th idem. I have the honor to report that, as the case is stated by the Superintendent, Revenue Survey, the charge is clearly admissible.

The nature of the charge was not understood when the decision of this office referred to in para 2 of Colonel Scott's letter of the 3rd December was communicated to that office.

I have the honor to be
Sir
Your obedient servant
L. Probyn
Accountant General,

Comptroller

Received
1878

RECEIVED
1878
JANUARY 1878
MADRAS.

JANUARY,
No. 59.

Deputy Superintendent of Revenue Survey -
empowered to determine under Act XXVIII of
1860. - Submitting to Government question
whether a - may incur the outlay necessary for
payment of stamps and fees for an authenticated
copy of a decision passed by a Magistrate in the
case of a prosecution under Section 29 of the
Act.

Referred for the views of the Superintendent of the Revenue Survey

29 Jan 1878
29 Jan 1878
29 Jan 1878

No 526.
Revenue 1878 DEPARTMENT.
ACCT. GENL.'S OFFICE, MADRAS.
FROM
No. 1409
THE ACCOUNTANT GENERAL, MADRAS.
To
The Secretary to Govt.
Revenue Department.
Dated 6th of February 1878
Local
Ans. } No. of ANSWER.
D of 1878. Subject.
Regarding that the
charge is paid to me
for earnings of the Board
No. 59 of the 9th Volume
will be admitted by
this office.
W. H. ADLER
26.201-9, February 1878