

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2578	Press
		Mis.
	11-12	
Dated	1 - 11 -	1867.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
1st November 1867.*

No. 11. Read the following letter from the Government Solicitor, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 24th October 1867, No. 685 :—

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, requesting the Acting Advocate General's opinion on the point whether the provision in Section 69, Madras Act VIII of 1865, (Rent Recovery,) bars the Collector of a district from exercising the powers vested in him by Clause 3, Section 3, Regulation VII of 1828.

2. I have submitted the matter for the consideration of the Acting Advocate General ; and,

3. I now forward a copy of his opinion.

OPINION.

I do not think that Act VIII of 1865, Section 69, operates to repeal Clause 3, Section 3 of Regulation VII of 1828. That clause practically enables the Collector to interpose in any particular case, and to insist that no decision except his own shall be treated as the decision of the Collector ; until he has modified the judgment of his Sub-Collector, it will be " the judgment of the Collector," for the purpose of appeal under Section 69 ; when he has modified it, then his judgment will be the one to appeal from. Of course he cannot alter a judgment of his subordinate which has once been appealed against, and confirmed or reversed by the Zillah Judge.

(Signed) J. D. MAYNE,
Acting Advocate General.

23rd October 1867.

No. 12. ORDER THEREON, 1st November 1867, No. 2,578.

Miscellaneous.

Ordered that the above opinion of the Acting Advocate General be communicated to the Revenue Board, with reference to their Proceedings dated 3rd October 1867, No. 6,298.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

„ the Collector of Ganjam,

With copy of G. O. No. 2,466, dated 19th October 1867, Revenue Department.

„ the Government Solicitor.

Exd. S. T. Augustin.

2-2578

Advised that the

above opinion of the Ad
Adm. he communicated
to the Adm. L. & a per
L. & a per: 13 Oct 1860.
L. & a per.

Work

N.

1st Nov. 1869.

14 Copies For the Adm. & Dep. Secy

1 Copy to the Adm. of the Navy

in the copy of the Adm. 24 Oct.

2 Copies - Govt. Secy & Dep. Secy 19 Oct 1869.

Adm. of the Navy
Adm. of the Navy
Adm. of the Navy

Pro. 19 October 67 No 395-397

Rev- 1864 Oct 11th
Hq. of Court of Muns
From No. 2870.
the Civil Solr
Madras

To the Secy, to Govt.
Revenue Department
Madras

Dated 24th

Recd 24-3 October

Co-1
No. 185

Forward acting advocate
General's opinion on the point
whether the provision in Sec. 69,
Madras Rent Recovery Act VIII
of 1865, bars the Collector of
a district from exercising
the powers vested in him by
clause 3. Sec. 3. Reg. VII of
1828.

No 2578-1st Nov

N: 11412

226 Oct 67 Res Recs Res