M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1532 Press ~~Mis.~~

196-197

Dated 23.9.1863 ~~11~~ .

4/5

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 23rd September 1863.

No. 196. Read the following letter from D. F. CARMICHAEL, Esq., Acting Agent to the Governor; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 8th July 1863, No. 344.

I have the honor to request that Government will inquire of their Law Officers whether Madras Act No. [illegible] of 1863 extends to the Agency Moonsiffs. Adverting to revised Rule IX, Clauses 1 and [illegible] Civil Justice, (printed at page 546 of Sloan's Code) it appears that, subject to certain modifications specified, the Governor's Agent is empowered to entrust to his principal Native Officers or other approved persons, *the judicial and other powers vested in District Moonsiffs by the Madras Code and the Acts applicable to that Presidency.*

2. These revised Rules, framed by the (late) Sudder Court, were approved of by Government by an order in the Judicial Department, No. 931 of the 24th July 1860.

3. If the Law Officers of Government should be of opinion that by the "Acts applicable to that Presidency" is meant the Acts then existing, I would respectfully request that the Act now in question be extended to the Agency. If the Government accede to this, they will probably accede to the further suggestion that the Agency Moonsiffs should have cognizance of all suits which are adjudicable by other District Moonsiffs; the proviso about suits in which Zemindars, Bissoyes or other Feudal Hill Chiefs may be concerned, being maintained; for I strongly recommend that such proviso be maintained.

4. In other respects, there seems no longer any reason why the Agency Moonsiffs should not have the same powers as Moonsiffs elsewhere. The Government has lately raised their pay from 100 to 200 Rupees per mensem, and I see no ground for continuing any invidious distinctions.

No. 1.

Average duration of Appeal suits.

	Years.	Months.	Days.
Agent	...	8	22
Assistants	6	2	25

No. 2.

Average duration of Original suits.

	Years.	Months.	Days.
Agent	2	10	22
Assistants	5	8	23

5. Besides this, the proposal I make will have the direct effect of considerably lightening the files (Appeal and Original) of the Governor's Agent and his Assistants; not only to the benefit of litigants, as may be seen by the statements for 1862, marginally annexed, but obviously to that of Government and the general public, in leaving those Officers with more time for their other duties.

No. 197. ORDER THEREON, 23rd September 1863, No. 1,532.

There can be no question that Act IV of 1863 extends to all District Moonsiffs, whether Subordinate to the ordinary Civil Judges or to the Agents.

2. The Governor in Council concurs in the opinion of the Agent that the District Moonsiffs employed under the Agencies in Vizagapatam and Ganjam may, with advantage, be invested with the same powers as those exercised by other District Moonsiffs, subject to the reservation at present in force that they shall not have cognizance of any suit in which any Zemindar, or Bissoye, or other Feudal Hill Chief may be concerned. Rule IX of the Agency Rules will, therefore, in future be as follows:—

"The Agent is empowered to appoint any of his principal Native Officers, or, with the sanction of Government, any other duly qualified persons, to exercise, in such places, and within such portion of the jurisdiction assigned to the Agent as he may consider proper, the judicial and other powers vested in District Moonsiffs by the Madras Code and the Acts applicable to that Presidency; provided that they shall not have cognizance of any suit in which any Zemindar or Bissoye, or other Feudal Hill Chief may be concerned."

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Rxd. T. McMootry.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Agent & the Governor of Fort St George, at Vizagapatam
(Recd Sater 8th July 1863. No 344)

Order thereon 23d September 1863. No 1532.

There can be no question that Act IV of 1863 extends to all District Moonsiffs, whether subordinate to the ordinary or to the Agents.

2. The Governor in Council concurs in the opinion of the Agent that the District Moonsiffs employed under the Agencies in Vizagapatam and Ganjam may with advantage be invested with the same powers as those exercised by other District Moonsiffs, subject to

&c.

the reservation at present
in force that they shall
not have Cognizance of any
suit in which any Zemindar
or Viscoye, or other feudal
Hill chief may be concerned.
Rule IX of the Agency
Rules will, therefore, in
future be as follows:

"The Agent is empowered
"to appoint any of his principal
"Native officers, or, with the
"sanction of Government, any
"other duly qualified persons,
"to exercise, in such places, and
"within such portion of the
"jurisdiction assigned to the
"Agent as he may consider
"proper, the judicial and
"other powers vested in District
"Moonsiffs by the Madras
"Code and the Acts applicable
"to that Presidency; provided
"that they shall not have Cogni-
zance of any suit in which
any Zemindar, or Viscoye, or
other feudal Hill chief may
be concerned."

To The Agents to the Governor, at
Vizagapatam & Ganjam
The Honorable the Judges of
the High Court

Dispatch 28

6-4-93
22-2-98
7-2-10
30-6-13
21-6-15
19.11.26

Pro. Sept.

Judicial 1863. Department.

No. 1532

Fds. 2631/63.

PROCEEDINGS OF GOVERNMENT,

Dated 23d Sept. 1863.

Cons No. 157. 158
24.7.60

1964197