

(1) Number of pages 4(2) Date of repair 15.7.1963(3) Initials of the Referencer W

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No.	950	Press	S.C.
B.P. No.		Mis.	

Dated 28 - 4. ~~1879~~ 1879. 195Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

28th April 1879, No. 950.

Agency Tracts.

Read the following paper:—

No. 155. From H. St. A. GOODRICH, Esq., Acting Agent to the Governor in Vizagapatam, to the Acting Chief Secretary to Government, dated 29th November 1878, No. 654.

My attention has lately been again directed to the question of the desirability of extending certain Acts now not operative in the Agency Tracts of this District to those tracts.

2. The last reference made by me on the subject related to the Arms Act No. XI of 1878 (my letter No. 444 of 18th July 1878).

3. I had at the same time recommended that (my No. 445, dated 18th July 1878,) the Whipping Act should be notified as being part of the law applicable to the Agency Tracts.

4. I have been lately informed that in the Agency Tracts of the neighbouring district the Whipping Act is not held to be in force. I was, however, instructed to consider the Act operative in a message from your office, dated 25th July 1878.

5. I may add that XXIV of 1859 (Imperial) is an Act which is greatly needed; that Acts I of 1872 (Evidence), X of 1873 (Judicial Oaths), and XVIII and XXXVII of 1850 (Protection and Control of Judicial Officers), are Acts whose operation is desirable. Abkari revenue is levied in the tracts under this Agency under Regulation I of 1820, but only so much of that Regulation has been enforced hitherto as I consider expedient, the only course which in the absence of orders appeared practicable.

No. 156. ORDER THEREON, 28th April 1879, No. 950.

It is observed that the Arms Act, the Judicial Oaths Act, and the Evidence Act are declared by the Legislature to extend, respectively, to the whole of British India. Where it is intended to leave it optional to the Executive Government to extend or not any Act of general applicability, the words now used are "the whole of British India, except the scheduled districts as defined in Act No. XIV of 1874; vide, ex. gr., the Preliminary section of the Code of Civil Procedure, Act X of 1877, also the Preliminary section in the Madras License Act, No. III, 1878.

2. In regard to the Whipping Act, No. VI of 1864, and the Madras Police Act, No. XXIV, 1859, it is true they are entered in the Schedules of Act XV, 1874, as are also Acts XVIII and XXXVII of 1850 mentioned by the Acting Agent; but the same is true of the Acts prohibiting Slavery, and Suttee or Widow burning. The Acting Agent has omitted to note that Section 8 of the Laws Local Extent Act, 1874, provides that nothing therein contained shall "affect the operation of any Act or Regulation heretofore extended or declared to be in force in any of the scheduled districts"—though it is open to the Government under Section 3, Act XIV, 1874 (in case, i.e., of any substantial reasons or doubts), to declare what enactments are or are not in force in any of the said districts. There is no room, however, for doubt that the Acts just named do already apply, by judicial recognition and otherwise, to the

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

28th April 1879, No. 950.

Agency Tracts.

Read the following paper:—

No. 155. From H. St. A. GOODRICH, Esq., Acting Agent to the Governor in Vizagapatam, to the Acting Chief Secretary to Government, dated 29th November 1878, No. 654.

My attention has lately been again directed to the question of the desirability of extending certain Acts now not operative in the Agency Tracts of this District to those tracts.

2. The last reference made by me on the subject related to the Arms Act No. XI of 1878 (my letter No. 444 of 18th July 1878).

3. I had at the same time recommended that (my No. 445, dated 18th July 1878,) the Whipping Act should be notified as being part of the law applicable to the Agency Tracts.

4. I have been lately informed that in the Agency Tracts of the neighbouring district the Whipping Act is not held to be in force. I was, however, instructed to consider the Act operative in a message from your office, dated 25th July 1878.

5. I may add that XXIV of 1859 (Imperial) is an Act which is greatly needed; that Acts I of 1872 (Evidence), X of 1873 (Judicial Oaths), and XVIII and XXXVII of 1850 (Protection and Control of Judicial Officers), are Acts whose operation is desirable. Abkari revenue is levied in the tracts under this Agency under Regulation I of 1820, but only so much of that Regulation has been enforced hitherto as I consider expedient, the only course which in the absence of orders appeared practicable.

No. 156. ORDER THEREON, 28th April 1879, No. 950.

It is observed that the Arms Act, the Judicial Oaths Act, and the Evidence Act are declared by the Legislature to extend, respectively, to the whole of British India. Where it is intended to leave it optional to the Executive Government to extend or not any Act of general applicability, the words now used are "the whole of British India, except the scheduled districts as defined in Act No. XIV of 1874; vide, ex. gr., the Preliminary section of the Code of Civil Procedure, Act X of 1877, also the Preliminary section in the Madras License Act, No. III, 1878.

2. In regard to the Whipping Act, No. VI of 1864, and the Madras Police Act, No. XXIV, 1859, it is true they are entered in the Schedules of Act XV, 1874, as are also Acts XVIII and XXXVII of 1850 mentioned by the Acting Agent; but the same is true of the Acts prohibiting Slavery, and Suttee or Widow burning. The Acting Agent has omitted to note that Section 8 of the Laws Local Extent Act, 1874, provides that nothing therein contained shall "affect the operation of any Act or Regulation heretofore extended or declared to be in force in any of the scheduled districts"—though it is open to the Government under Section 3, Act XIV, 1874 (in case, i.e., of any substantial reasons or doubts), to declare what enactments are or are not in force in any of the said districts. There is no room, however, for doubt that the Acts just named do already apply, by judicial recognition and otherwise, to the

whole of the Vizagapatam District; and the Government of India have ruled that it would be very undesirable, as it is unnecessary, to notify the extension to any scheduled district of any Act which must already be in force there. In regard, more particularly, to the Whipping Act, it has now (as pointed out in a note in the edition of the General Acts, published by the Legislative Department, Government of India) been ruled by two High Courts—Bengal and Madras—that the Penal Code and Code of Criminal Procedure must be read as if the Whipping Act formed a part of the Penal Code from the date of its enactment.

3. With reference finally to the Abkari Regulation, (which, however, will soon be superseded by the recent Madras Act)—it is not even scheduled in Act XV, 1874. There is no ground therefore for assuming that it is even *prima facie* inoperative in the Vizagapatam Agency.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Agent to the Governor of Fort St. George in Vizagapatam.

" " " " " in Ganjam.
" Inspector General of Police.
" District Magistrate of Godavari, for information.

Copy
Govt. of 1879 Madras.

JUDICIAL.

To
THE AGENT TO THE GOVERNOR
OF FORT ST. GEORGE,
Vizagapatam,
&c., &c., &c.

Dated April, 24th.

Issued

Recd.

Edn.

G.O., 25th April 1879, No. 959.

APRIL.

Nos. 155-156.

Agency Tracts.—Orders passed on letter from the Acting Agent to the Governor in Vizagapatam recommending the extension of certain Acts to the Agency Tracts.

whole of the Vizagapatam District; and the Government of India have ruled that it would be very undesirable, as it is unnecessary, to notify the extension to any scheduled district of any Act which must already be in force there. In regard, more particularly, to the Whipping Act, it has now (as pointed out in a note in the edition of the General Acts, published by the Legislative Department, Government of India) been ruled by two High Courts—Bengal and Madras—that the Penal Code and Code of Criminal Procedure must be read as if the Whipping Act formed a part of the Penal Code from the date of its enactment.

3. With reference finally to the Abkari Regulation, (which, however, will soon be superseded by the recent Madras Act)—it is not even scheduled in Act XV, 1874. There is no ground therefore for assuming that it is even *prima facie* inoperative in the Vizagapatam Agency.

(True Extract.)

C. G. MASTER,
Acting Chief Secretary.

To the Agent to the Governor of Fort St. George in Vizagapatam.

„ Inspector General of Police. „ in Ganjam.
„ District Magistrate of Godavari, for information.

P. J. J. J.
Govt. of 1879 Madras.

JUDICIAL.

To
THE AGENT TO THE GOVERNOR
OF FORT ST. GEORGE,
Vizagapatam,
&c., &c., &c.

W. J. J. J.
Dated April, 28th.

Issued

Recd.

Recd.

G.O., 28th April 1879, No. 959.

APRIL.

Nos. 155-156.

Agency Tracts.—Orders passed on letter from
the Acting Agent to the Governor in Vizag-
apatam recommending the extension of certain
Acts to the Agency Tracts.