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MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No.

2483

B.P. No.

Press

Mis.

Dated

1-11

1887.

Not to be folded or roughly handled

30TH NOVEMBER 1886, No. 1056, REVENUE.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—again the following G.O., dated 18th September 1886, No. 179, Legislative:—
Read—the following letter from J. M. MACPHERSON, Esq., Deputy Secretary to the Government of India, Legislative Department, to the Assistant Secretary to the Government of Madras, Legislative Department, dated Simla, 24th August 1886, No. 1603:—

Adverting to your letter No. 108 (Legislative), dated the 20th May 1886, I am directed to say that, in preparing the new edition of the Madras Code, some difficulty has been felt as to whether certain enactments which have been repealed by others, the local extent of whose operation is determinable by notifications published in the *Fort St. George Gazette*, should be omitted from the code, or whether they should be reprinted, as they ought to be if the repealing enactments have not been brought into force in all places in which the enactments which they repeal operated. The enactments referred to are specified in the following paragraphs, and I am directed to request that, with the permission of the Governor in Council, you will favor me with the information therein asked for in respect of each.

2. Madras Act VI of 1871 (*Sak*), section 1, repeals Madras Regulations I of 1805 and II of 1807 and Acts XVII of 1840 and VII of 1852 in districts or parts of districts to which the Act is extended under section 45. And Madras Act I of 1882, section 31, read with section 1 repeals Madras Regulation II of 1807, Act XVII of 1840, Act VII of 1852, and Madras Act II of 1878 entirely, and Madras Regulation I of 1805 and Madras Act VI of 1871 in part, in areas to which the Act is extended under section 1. All these repealed enactments, with the exception of Madras Acts VI of 1871 and II of 1878, were declared by the Laws Local Extent Act, 1874, section 4, to be in force in the whole of the Madras Presidency except as regards the Scheduled districts; while Madras Acts VI of 1871 and II of 1878 are expressed to apply in those places only to which they are extended by notification. In order to determine whether the enactments, or parts of enactments, which have been repealed, should now be removed from the code, it is necessary to know to what places Madras Acts VI of 1871 and II of 1878 have been extended, and whether Madras Act I of 1882 has been brought into force in all those places, and also whether Madras Acts VI of 1871 and I of 1882 have been extended to the whole of the Madras Presidency. It would be convenient, for purposes of future reference, if a list were furnished showing all places to which Madras Acts VI of 1871, II of 1878, and I of 1882 have been extended.

3. Madras Act I of 1886 (*Abkari*), section 2, repeals Act XIX of 1852 and III of 1856 and Madras Acts III of 1864 and V of 1879 in places in which the Act is declared in force under section 5. Act XIX of 1852, Act III of 1856, and that part of Madras Act V of 1879 which amends Act XIX of 1852, applied only to the town and suburbs of Madras; and Madras Act III of 1864, and that part of Madras Act V of 1879 which amends it, appear to have applied by their own vigour to the rest of the Madras Presidency, with the exception, perhaps, of the Scheduled districts. Madras Act III of 1864 has been extended under the Scheduled Districts Act, 1874, to the taluks of Bhadrachalam and Rekapalle, by notification No. 733, dated the 15th July 1880, published in the *Gazette of India* of 17th July 1880, Part I, page 362.

It appears from a footnote printed in the official copies of Madras Act I of 1886 that that Act has been declared in force in the whole of the Madras Presidency, except the Scheduled districts, but only as regards liquor, and not as regards intoxicating drugs. Act XIX of 1852 contains one reference to intoxicating drugs, namely, in section 8, but this is apparently a clerical error which crept in when that section was being copied from section 8 of Act XI of 1849, and the Act must therefore be taken to refer only to liquors, to which alone it is clear it was intended to apply. Act III of 1856 also refers, in section 2, to intoxicating drugs, but this reference is evidently to section 19 of Act XI of 1849 alone, and not to Act XIX of 1852. Madras Act III of 1864 refers only to liquors.

The result appears to be that Acts XIX of 1852 and III of 1856 and that part of Madras Act V of 1879 which amends Act XIX of 1852, are now entirely repealed, and must accordingly be omitted from the new edition of the code; but that Madras Act III of 1864, and that part of Madras Act V of 1879 which amends this Act, must be reprinted, unless any notification has been issued under Madras Act I of 1886 declaring that Act in force in the parts excepted by the notification No. 39 referred to above, viz., the Scheduled districts. If any such notification has been issued, I am to request that a reference to it may be furnished to me. If, on the other hand, no such notification has been issued, it seems clear that both the enactments in question must be reprinted in the code, since the first is undoubtedly in force in some of the Scheduled districts, and the second is "to be read with and taken as part" of it, and both are possibly in force in the other Scheduled districts of the Madras Presidency.

4. Madras Act III of 1871 (Towns Improvement), section 3, repealed Madras Acts VI of 1863, X of 1865, and III of 1866 in towns to which that Act is extended, and Madras Act IV of 1871 (Local Funds), section 2, repealed Madras Acts VI of 1863, III of 1866, and II of 1868 in circles to which that Act is extended. The Acts of 1871 appear to have been extended to all places in which the Acts of 1863, 1865, and 1866 were in force, since the latter were not printed in the first edition of the Madras Code; but the Act of 1868 was printed there, and the question now arises whether it has ever been extended under its second section to any district to the whole of which Madras Act IV of 1871 has not yet been extended. If it has, the Act should be reprinted in the new edition of the code; and in that case it would be convenient to have a list of the districts in which the Act is still in force.

5. Madras Act IV of 1884 (District Municipalities), section 6, repeals Madras Act III of 1871 in towns comprised in municipalities in which the former Act is brought into force under its fourth and fifth sections; and Madras Act V of 1884 (Local Boards), section 4, repeals Madras Act IV of 1871 in districts in which the former Act is brought into force under its first section.

If Madras Acts III and IV of 1871 have been extended to any place in which Madras Acts IV and V of 1884, respectively, have not yet been brought into force, they should be reprinted in the new edition of the code; and in that case it would be convenient to have a list of the places in which they are still respectively in force.

It would also be convenient to have a list of the municipalities in which Madras Act IV of 1884 has been brought into force and of the districts in which Madras Act V of 1884 has been declared in force.

6. Madras Act III of 1885 (Outports Landing and Shipping Fees), section 2, repeals Madras Act III of 1883 from the date on which the former Act is brought into force in the port of Cocanada. I am to inquire whether the Act of 1885 has yet been brought into force in that port, and, if so, to request that you will refer me to the notification.

7. It is intended to reprint in the new edition of the code all notifications issued under the Scheduled Districts Act—

- (a) declaring enactments in force in, or extending enactments to, Scheduled districts in the Madras Presidency, under sections 3 and 5; and
- (b) appointing officers to exercise powers, and regulating procedure, in those districts, under section 6.

The only notification issued under section 6 of the Act, of which there is any record in this department, is that dated the 1st December 1885 published in the *Fort St. George Gazette* of the 9th idem, Part I, page 824, prescribing rules for the guidance of the Government Agent in the Godavari district. I am to inquire whether any other notifications have been issued under the section, and are still in force, and, if so, to request that a list of them may be forwarded.

8. An endeavour has been made to collect from the statement received with the letter from the Government of Madras, No. 1573 (Judicial), dated the 15th June 1885, the information asked for in the preceding paragraphs as to notifications issued under Acts; but that statement is not sufficiently detailed for the purpose now in view, and it is moreover incomplete and out of date. It does not, for example, give any reference to notifications issued under section 2 of Madras Act II of 1868. The lists now asked for should be prepared in the same form as that statement, but should specify by name each place to which the notifications refer, and they should also refer to the number and date of each notification, as well as to the Gazette in which it was published. It is proposed to publish the lists in the code as footnotes to the Acts to which they refer.

Order—dated 18th September 1886, No. 179, Legislative.

Referred to the Revenue Department, for the information called for in paragraphs 2 and 3; to the Financial Department, for that requested in paragraphs 4 and 5; to the Marine Department, with reference to paragraph 6; and to the Judicial Department, with reference to paragraph 7. The favor of early communication of the information in question is requested.

(True Extract)

(Signed)

A. G. CARDEW,
Ag. Asst. Secy. to Govt.

- To the Judicial Department.
- the Marine Department.
- the Financial (L.F.) Department.
- the Revenue Department.

READ—again the following G.O., dated 15th November 1886, No. 204, Legislative:—

Read—the following letter from the Officiating Deputy Secretary to the Government of India, Legislative Department, dated 29th October 1886, No. 2147:—

I am directed to invite attention to my letter No. 1603, dated the 24th August last, requesting information in respect of certain enactments which it is proposed to print in the new edition of the Madras Code and to request the favor of an early reply.

Order—dated 15th November 1886, No. 204.

Communicated to the Revenue Department, in continuation of official memorandum, dated 1st November 1886, No. 1830-C.

(True Extract)

(Signed)

H. A. STUART,
Under Secy. to Government.

To the Revenue Department.

ORDER—dated 30th November 1886, No. 1056, Revenue.

Miscellaneous.

With regard to Salt laws (paragraph 2 of the letter of the Government of India), a list of the places to which Madras Act VI of 1871 has been extended will be furnished. Of course, wherever this Act has been introduced, the earlier enactments which it repeals have ceased to be in force,

and the reason why these latter enactments are stated in the Laws Local Extent Act, 1874, section 4, to be in force in the whole of the Madras Presidency, excepting the Scheduled districts, is, that Act of 1871 had not been introduced anywhere in 1874.

2. As respects Madras Act I of 1882, it has been extended to all parts of the Presidency, with the exception of the Nilgiri district; but it has been decided not to enforce it in the Scheduled districts. In the whole of this Presidency, therefore, excepting the Nilgiris, the earlier enactments, which this Act repeals, to wit:—parts of Regulation I of 1805 and Act VI of 1871 and the whole of Regulation II of 1807 and Acts XVII of 1840, VII of 1852, and II of 1878, have ceased to be in force. As for the Nilgiris, there is no more need to maintain them there than there is to extend Act I of 1882 thereto. It is only the penal and preventive provisions of the Salt law that can, if at all, be deemed applicable to the hill tract comprising the Nilgiri district, and Act I of 1882, which is restricted to such provisions, can be extended to that district whenever it is found necessary to do so. It appears, therefore, that Madras Regulation II of 1807, India Act XVII of 1840 and VII of 1852 and Madras Act II of 1878, all of which have been entirely repealed by Madras Act I of 1882, may be removed from the new edition of the Madras Code under preparation.

3. From what is stated above, it seems unnecessary to consider Madras Act II of 1878. It may be noted, however, that this enactment, before its repeal by Act I of 1882, had been extended to all parts of the Presidency except the two districts on the West Coast, viz., Malabar and South Canara.

4. Government, further, consider it necessary to observe that when the bill to consolidate the Salt laws of this Presidency, of which a draft is now before them, is passed, it will be unnecessary to retain any of the existing enactments on the statute book.

5. As regards the Abkari Law, Madras Act I of 1886 has not been extended to the Scheduled districts, and as Madras Act III of 1864 is in force in some of them, viz., Bhadrachalam and Rékapalle taluks, Government agree in the opinion expressed in paragraph 3 of Mr. Macpherson's letter, that the latter enactment as also Madras Act V of 1879, which is to be read as part of that enactment, should be reprinted in the code under preparation. The two latter-mentioned Acts have not been extended to any other Scheduled districts.

(True Extract.)

Ag. Secretary to Government.

To the Legislative Department, with copy of list,
,, the Board of Revenue.

APPENDIX

List of places to which Madras Act VI of 1871 has been extended.

Places.	From what date the extension had effect.	Date and page of the Fort St. George Gazette.
1. Districts of Malabar and South Canara ...	1st July 1877.	12th June 1877, page 371.
2. Tract in the neighbourhood of Tuticorin in the Tinnevely district comprising the following villages:—		
<i>Government Villages.</i>		
Milavittan ...		
Tuticorin ...		
Sankarapperi ...		
Pandarapatti ...		
Pulipanjankulam (inam) ...		
Mappilaiyurani (kattuguthagai) ...	1st March 1882.	23rd Feb. 1882, page 94.
<i>Villages of Etaiyápuram Zemindari.</i>		
Kila Arasadi with the hamlet of Venkatesapuram.		
Kumarapuram ...		
Mela Arasadi ...		
Pudurpandiyapuram with the hamlet of Jagavirapuram.		
Taruvaiikulam ...		
Valasamudram ...		
3. <i>Kistna District.</i> —The portion of the Bandar taluk (in the neighbourhood of Manginapudi salt factory) lying to the south of a line drawn from the sea along the exterior boundaries of Kanuru, Jingeru, Nandamuru, Madaka and Kankopude, to the road leading from Masulipatam to Gudivada, and thence along the road to the western boundary of the Bandar taluk.	1st March 1883.	13th March 1883, page 141.
<i>Chingleput District.</i> —Maduráatakam taluk (neighbourhood of Cheyúr factory).		
<i>South Arcot District.</i> —Tindivanam taluk (neighbourhood of Merkanam factory).		
<i>Tinnevely District.</i> —Tenkarai taluk (neighbourhood of Káyalpatnam factory).		
4. <i>Nellore District.</i> —The portion of the Gúdúr taluk (in the neighbourhood of Kistnapatam salt factory) bounded on the north by the Nellore taluk, on the west by the Trunk road, on the south by the Swarnamukhi river, and on the east by the sea.	Do.	20th March 1883, page 154.
<i>Tanjore District.</i> —The portion of the Patukóta taluk (in the neighbourhood of Tambikkinalavankottai and Adirámpatnam factories) to the north of Jcunneyaur.	Do.	15th May 1883, page 312.
<i>Nellore District.</i> —Sulurpet magisterial division (Tada factory).	1st January 1884.	Do.
<i>Ganjam District.</i> —Chicacole taluk (neighbourhood of Calingapatam factory).		
<i>Vizagapatam District.</i> —The portion of the Bimlipatam magisterial division, south of the Konada river (neighbourhood of Bimlipatam factory).	Do.	30th October 1883, page 691.
<i>Goddavari District.</i> —Narsápur taluk (neighbourhood of Mogaltur factory).		
<i>Nellore District.</i> —Kandakúr taluk (neighbourhood of Pákala factory).	Do.	21st December 1883, page 860.
<i>Madura District.</i> —Tiruvadanai magisterial division (neighbourhood of Vattanam factory).		
5. <i>Kistna District.</i> —Répalle taluk (neighbourhood of Nizampatam factory).	15th Jan. 1884.	8th January 1884, page 6.

List of places to which Madras Act VI of 1871, &c.,—continued.

Places.	From what date the extension had effect.	Date and page of the Fort St. George Gazette.
6. <i>Nellore District</i> .—Nellore taluk (neighbourhood of Iskapalle factory).	1st January 1884.	8th January 1884, page 6.
7. <i>South Arcot District</i> .—Chidambaram taluk (neighbourhood of Manambadi factory).	Do.	29th January 1884, page 55.
8. <i>Ganjam District</i> .—The portion of the Berhampore taluk, south of the road leading from Gopálpur to Berhampore and thence on to Aska and the Ichápur magisterial division (neighbourhood of Surlá factory).		
<i>Vizagapatam District</i> .—Chípurnpalle magisterial division and the portion of the Bimlipatam magisterial division, north of the Konada river (neighbourhood of Kuppli and Konada factories).	1st January 1885.	18th Nov. 1884, page 745.
<i>Godavari District</i> .—Whole district except Narsápur taluk (neighbourhood of Pennuguduri factory).		
<i>Tanjore District</i> .—Whole district excepting Máyavaram, Tiruturaipúndi and Patukóti taluks (neighbourhood of Neidavasal and Ngapatam factories).		
9. <i>Chingleput and Madras Districts</i> .—Ponéri taluk The portion of the Saidápet taluk to the north of the Madras Railway. The portion of the Madras district to the north and east of the following line:— The main line of the Madras Railway leading to the Central station, Madras, from the limits of the Saidápet taluk to a point due west of the boat channel which forms the northern boundary of the office platform of the Madras salt depôt; then eastwards along the centre of the said boat channel to the junction thereof with the Buckingham canal; then southwards along the centre of the Buckingham canal to the elephant-gate bridge, and thence along the road leading over the said bridge to wall-tax road; thence to the junction of wall-tax road with China bazaar street; thence along China bazaar street to the beach, and eastwards to the sea.	1st March 1885.	17th March 1885, page 195.
10. Those parts of South Arcot district to which it had not already been extended, i.e. the taluks of Cuddalore, Villupuram, Vriddhachalam, Tirukoilúr, Kallakurchi and Tiruvannámaai.	1st January 1885.	6th January 1885, page 12.
11. <i>Ganjam District</i> .—Tekkali sub-magistrate's magisterial jurisdiction (neighbourhood of Naupada factory).		
<i>Vizagapatam District</i> .—The portion of the district of Vizagapatam north of the road from Vizagapatam into Jeypore via Madugole which passes through Aganampudi, Anakápalie and Chódavaram, to which the excise system had not already been extended (neighbourhood of Kanna factory).	1st January 1886.	27th January 1886, page 52.
<i>Nellore District</i> .—The portion of the district north of the Pennér river to which the excise system had not already been extended (neighbourhood of Kanuparti factory).		
12. <i>Tanjore District</i> .—Máyavaram taluk (neighbourhood of Tranquebar factory).	1st March 1886.	Do.
13. <i>Chingleput, Madura and Tinnevely Districts</i> .—The portions of the districts to which the excise system had not already been extended.	1st January 1886.	31st March 1886, page 260.
14. <i>Madras District</i> .—Those portions to which the system had not already been extended.	1st March 1886.	5th May 1886, page 125.

Exd. W. H. French.

50 Copies.

Gobt. of (1886) Madras.
REVENUE.

Issued

Recd.

Encl.

G.O., 30th November 1886, No. 1056.

NOVEMBER.

Salt and Abkari Acts.

Furnishing the information asked for by the Government of India in respect of the local extent of their operation in this Presidency.

26TH SEPTEMBER 1887, No. 931, REVENUE.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Separate Revenue), dated 22nd July 1887, No. 294.

C. A. GALTON, Esq.

Read—again G.O., dated 30th November 1886, No. 1056, Revenue.

Resolution—dated 22nd July 1887, No. 294.

Adverting to the last sentence of paragraph 5 of G.O., dated 30th November 1886, No. 1056, Revenue, the Board beg to point out that it has hitherto been held that Madras Act III of 1864 as well as Madras Act V of 1879 were in force in the Agency tracts—*vide* paragraph 4 of G.O., dated 17th December 1879, No. 2299; and also Government notification, dated 23rd June 1879, published on page 465 of Part I of the *Fort St. George Gazette*, dated 1st July 1879—*vide* also G.O., dated 1st October 1880, No. 1264.

(True Extract.)

(Signed) H. A. SIM,
Acting Secretary.

To the Secretary to Government, Revenue Department.

ORDER—dated 26th September 1887, No. 931, Revenue.

Miscellaneous.

The Board's remarks are correct.
The orders quoted by them were overlooked.

(True Extract.)

(Signed) J. F. PRICE,
Ag. Secretary to Government.

To the Commissioner of Salt, Abkari and Separate Revenue.

Copy to the Legislative Department.
" " the Judicial Department.

Exd. L. Passaigne.

55 Copies.

CURRENT NO. 4323

Govt. of (1887) Madras.

REVENUE.

Issued

Recd.

Encl.

G.O., 26th September 1887, No. 931.

SEPTEMBER.

Agency tracts.

Board's Proceedings pointing out that Madras Act III of 1864 and Act V of 1879 are held to be in force in the — with orders thereon.

G.O. 1st Nov/87. 2483

Recorded.

sep 25/10

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Res: 10/1-10.80, 10.84
Res: 10.1056/30. 1-86
— 2299 7# 17-12.77
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16.7.49 25

ORDINARY, M.S.

<i>Judicial</i> DEPARTMENT G.O., DATED <i>10th Nov 87</i> No. <i>2483</i>
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When given for copying.

[Despatch Abstract.]

Agency facts. Board's Res:
pointing out that in a Res
of 1864 of 1864 of 1879 are
held to be in force in the